SUMMA SUMMÆ S. THOMÆ

Billuart's own compendium of his commentary
on the Summa Theologiae of St. Thomas

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TOMUS II — ON THE PRIMA SECUNDAE

Human Acts · the Passions and the Virtues · Sins · Laws · Grace

Latin and English in parallel

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On Human Acts

On the Voluntary and the Involuntary

1 *« Since through certain acts it is necessary to arrive at beatitude, human acts must consequently be considered, that we may know by what acts one arrives at beatitude, or impedes the way to beatitude. But, because operations and acts are concerned with singulars, therefore every practical science is perfected in particular consideration. Moral consideration therefore, since it treats of human acts, must first indeed be treated in the universal, secondly however in the particular.

> **« Quia ad beatitudinem per actus aliquos necesse est pervenire, oportet consequenter de humanis actibus considerare, ut sciamus quibus actibus perveniatur ad beatitudinem, vel impediatur beatitudinis via. Sed, quia operationes et actus circa singularia sunt, ideo omnis operativa scientia in particulari consideratione perficitur. Moralis igitur consideratio, quia est humanorum actuum, primo quidem tractanda est in universali, secundo vero in particulari.*

2 » Concerning the universal consideration of human acts, the first thing occurring to be considered is about the human acts themselves, secondly about their principles. Now some human acts are proper to man, others are common to man and other animals. And since beatitude is the proper good of man, those acts stand more closely related to beatitude which are properly human, than acts which are common to man and other animals. First therefore must be considered the acts which are proper to man, secondly the acts which are common to man and animals, which are called the passions of the soul [1] »

1 The passions will be treated in the following treatise.

> *» Circa universalem autem considerationem humanorum actuum, primo quidem considerandum occurrit de ipsis actibus humanis, secundo de principiis eorum. Humanorum autem actuum quidam sunt hominis proprii, quidam sunt homini et aliis animalibus communes. Et quia beatitudo est proprium hominis bonum, propinquius se habent ad beatitudinem actus qui sunt proprie humani, quam actus qui sunt homini aliisque animalibus communes. Primo ergo considerandum est de actibus qui sunt proprii hominis, secundo de actibus qui sunt homini atque animalibus communes, qui dicuntur animae passiones [1] »*
>
> *1 De passionibus agetur in tractatu sequenti.*

3 » Concerning the first two things occur to be considered: first, the condition of human acts; secondly, the distinction of those acts. But since those acts are properly called human which are voluntary, because the will is rational appetite, which is proper to man, we must consider acts insofar as they are voluntary. First therefore must be considered the voluntary and the involuntary in common; secondly, the acts which are voluntary as elicited by the will itself, as existing immediately of the will itself; thirdly, the acts which are voluntary as imperated by the will, which are of the will itself through mediating other powers. And because the acts of the will have certain circumstances by which they are judged, first must be considered the voluntary and involuntary, and consequently the circumstances of those acts in which the voluntary and involuntary are found [1] »]

1 Hic q. 6.

> *» Circa primum duo consideranda occurrunt : primo, de conditione humanorum actuum; secundo, de distinctione eorum actuum. Cum autem actus humani proprie dicantur qui sunt voluntarii, eo quod voluntas est rationalis appetitus, qui est proprius hominis, oportet considerare de actibus in quantum sunt voluntarii. Primo ergo considerandum est de voluntario et involuntario in communi; secundo, de actibus qui sunt voluntarii quasi ab ipsa voluntate eliciti, ut immediate ipsius voluntatis existentes; tertio, de actibus qui sunt voluntarii quasi a voluntate imperati, qui sunt ipsius voluntatis mediantibus aliis potentiis. Et quia actus voluntatis habent quasdam circumstantias secundum quas dijudicantur, primo considerandum est de voluntario et involuntario, et consequenter de circumstantiis ipsorum actuum in quibus voluntarium et involuntarium invenitur [1] »]*
>
> [1] *Hic q. 6.*

4 PRAENOTANDA

> *PRAENOTANDA*

5 [That it may be clearly known of what acts there is question in the present treatise, certain distinctions must be established. Since man is rightly defined « a rational animal, » those acts alone which proceed from his nature perfectly, that is rationally, are to be imputed to him, as human and subject to the rules of morality. Hence

> *[Ut clare noscatur de quibus actibus in presenti tractatu agendum est, distinctiones quaedam sunt statuendae. Cum homo recte definiatur « animal rationale, » hi soli actus qui ex ejus natura perfecte, id est rationaliter, procedunt, ipsi sunt imputandi, ut humani et regulis moralitatis subjecti. Unde*

6 Acts done in man necessarily, such as respiration, are indeed natural; but, as pertaining only to animality, they are imperfect and not properly acts in the sense we understand here, that is, human.

> *Actus qui fiunt in homine necessario, ut respiratio, sunt quidem naturales; sed, ut ad animalitatem tantum pertinentes, sunt imperfecti et non proprie actus in sensu quem hic intelligimus, id est humani.*

7 There are acts which would of themselves be human if they were referred to a deliberated and free end, but which sometimes arise unforeseen without any deliberation and intention, such as laughter, which proceeds from a power proper to a rational being, but often not rationally. Such acts are not yet human, but are called acts of a man, as proceeding from a man in a mode not perfectly human.

> *Sunt actus qui ex se quidem humani essent, si ad finem deliberatae et libere referrentur, sed aliquando improvisò exsurgunt sine ulla deliberatione et intentione, ut risus, qui procedit ex potentia entis rationali propria, sed saepius non rationaliter. Tales actus nondum sunt humani, sed actus hominis vocantur, ut ab homine procedentes modo non perfecte humano.*

8 A human act, in the theological sense, is therefore an operation proceeding from a man in a human manner, that is rationally or from deliberated will, consequently with knowledge of the end and freely. It truly pertains to man as defined above.

> *Actus humanus, in sensu theologico, est igitur operatio ab homine humano modo procedens, id est rationaliter seu ex deliberata voluntate, consequenter cum cognitione finis et libere. Is ad hominem ut supra definitus est revera pertinet.*

9 A human act proceeds from the will either immediately, without the aid of another faculty, and is elicited, because it is considered only in the will itself, by which immanent operation it elicits it: such are love and hate. If that act of the will does not rest in itself but commands another act, for this reason it is said to be imperating. But the act which proceeds from the will only mediately, that is

determined by the command of the will and distinguished from its own act, such as meditation and walking, is imperated.

> *Actus humanus procedit a voluntate vel immediate, absque alterius facultatis adjutorio, et est elicitus, quia consideratur tantum in ipsa voluntate qua operatione immanente eum elicit : tales sunt amor et odium. Si ille actus voluntatis in seipso non sistat et alium actum imperet, hac ratione dicitur imperans. Actus vero qui nonnisi mediate procedit a voluntate, id est imperio voluntatis determinatur et ab ejus actu proprio distinguitur, ut meditatio et deambulatio, est imperatus.*

10 A human act is not to be considered only physically; but, since it tends to a known and chosen end, it is subject to rules which render the prosecution of the end legitimate or illegitimate, and from this heading it is constituted in moral being. Therefore a human act becomes moral from its relation to the rule of honesty or morals: if it is conformable to it, it is good, because « good is from an integral cause; » if it discord from it, it is evil, because « evil is from any defect whatsoever; » but if it is neither against nor alongside such a rule, the act is indifferent.]

> *Actus humanus non tantum physicè considerandus est; sed, cum ad finem cognitum et electum tendat, subjicitur regulis quae prosecutionem finis legítimam vel illegitimam reddunt, et ex hoc capite constituitur in esse moris. Ideo actus humanus moralis efficitur ex relatione ad regulam honestatis seu morum : si ei conformis est, est bonus, quia « bonum est ex integra causa; » si ab ea discordet, est malus, quia « malum est ex quocumque defectu; » si vero nec contra nec juxta hujusmodi regulam est, actus est indifferens.]*

11 **DISSERTATION I**

> ***DISSERTATIO I***

12 **ON THE VOLUNTARY AND THE INVOLUNTARY**

> ***DE VOLUNTARIO ET INVOLUNTARIO***

13 St. Thomas, q. 6.

> *D. Thomas, q. 6.*

What is the voluntary, and of how many kinds?

1 **I say** 1°: The voluntary is rightly defined commonly thus: « That which proceeds from an intrinsic principle, with cognition of the end. »

> ***Dico** 1° : Voluntarium recte definitur communiter : « Quod est a principio intrinseco, cum cognitione finis. »*

2 The definition is explained. By intrinsic principle is understood any elicited appetite, rational as well as sensitive; but, because among elicited appetites the will is the more principal, from the principal appetite the voluntary is denominated. Therefore by the first particles the voluntary is distinguished from the violent, whose principle is outside; likewise from what is willed simply, which does not proceed from any influx of will, but is its object and term extrinsically denominated from volition; thus rain is willed by the farmer, but not voluntary to him. By the last particles it is distinguished from natural motion; because, although natural motion is from an intrinsic efficient principle, yet it is not from an intrinsic final principle, or it is not with cognition of the end, as appears in the motions of vegetative things and in the motion of heavy and light bodies toward the center: whence such things are not said to move themselves toward the end, but to be moved by another knowing, by

whom there is impressed on them the principle of their motion toward the end. Likewise by these particles are excluded from the reason of voluntary the acts of intellect anticipating the act of will and not commanded by it; because, although they are from an intrinsic efficient principle, they do not suppose cognition of the end from which they are caused.

> *Explicatur definitio. Per principium intrinsecum intelligitur quivis appetitus elicitus, tam rationalis quam sensitivus; sed, quia inter appetitus elicitos principalior est voluntas, a principali appetitu denominatur voluntarium. Itaque per primas particulas voluntarium distinguitur a violento, cujus principium est extra : item a volito simpliciter, quod non procedit ab aliquo influxu voluntatis, sed est ejus objectum et terminus extrinsece denominatus a volitione; sic pluvia est volita ab agricola, non ipsi voluntaria. Per ultimas particulas distinguitur a motu naturali; quia, licet motus naturalis sit a principio intrinseco efficiente, non tamen est a principio intrinseco finali, seu non est cum cognitione finis, ut patet in motibus vegetativis et in motu gravium et levium in centrum : unde hujusmodi non dicuntur se movere in finem, sed moveri ab alio cognoscente a quo eis imprimitur principium suae motionis in finem. Item per has particulas excluduntur a ratione voluntarii actus intellectus praevertentes actum voluntatis et ab ea non imperati; quia, licet sint a principio intrinseco efficiente, non tamen supponunt cognitionem finis a qua causantur.*

3 **I say** 2°: The voluntary is divided 1° into perfect and imperfect [1]. Perfect is that which proceeds from perfect cognition of the end; imperfect that which proceeds from imperfect cognition of the end. For since two things concur to the voluntary, namely the intrinsic principle and cognition of the end, the proper perfection of the voluntary by which it is distinguished from the natural cannot be sought from the intrinsic principle in which it agrees with the natural. Therefore from cognition of the end alone, by which it is distinguished from the natural.

[1] Here q. 6, a. 2, c. — 2. *Ibid.*

> ***Dico** 2° : Voluntarium dividitur 1° in perfectum et in imperfectum [1]. Perfectum est quod procedit ex perfecta cognitione finis; imperfectum quod procedit ex imperfecta cognitione finis. Cum enim duo concurrant ad voluntarium, scilicet principium intrinsecum et cognitio finis, perfectio propria voluntarii per quam distinguitur a naturali, non potest repeti a principio intrinseco in quo convenit cum naturali. Ergo a sola cognitione finis, per quam distinguitur a naturali.*
>
> [1] *Hic q. 6, a. 2, c. — 2. Ibid.*

4 Hence it follows that the perfect voluntary belongs to rational nature alone, the imperfect to brutes [2]; because perfect cognition is had when not only is apprehended the thing which is the end, but also is known the reason of the end and the proportion of means to end; and such cognition, since it is collative and discursive, belongs to intellectual nature alone. But imperfect cognition of the end is that which consists in the mere apprehension of the thing which is the end, without the knowledge of the reason and dignity of the end and the proportion of means to end. And such cognition of the end is found in brutes through sense and natural estimation. Therefore the imperfect voluntary agrees with brutes, the perfect with rational nature alone; yet not with all its acts, but only those which proceed with full cognition and advertence; whence sudden motions, motions of children, of the insane, of the half-asleep, are only imperfectly voluntary.

[2] *Ibid.*

> *Hinc sequitur voluntarium perfectum soli naturae rationali competere, imperfectum brutis [2] ; quia perfecta cognitio habetur quando non solum apprehenditur res quae est finis, sed etiam cognoscitur ratio finis et proportio mediorum ad finem, et talis cognitio cum sit collativa et discursiva, soli intellectuali natura competit. Imperfecta autem cognitio finis est qua in sola apprehensione rei quae finis est consistit, absque eo quod cognoscitur ratio et dignitas finis et proportio*

mediorum ad finem. Et talis cognitio finis reperitur in brutis per sensum et aestimationem naturalem. Ergo voluntarium imperfectum convenit brutis, perfectum soli naturae rationali; nec tamen omnibus ejus actibus, sed iis solum qui cum plena cognitione et advertentia procedunt; unde motus subitanei, motus puerorum, amentium, semidormientium, non sunt nisi imperfecte voluntarii.

[2] *Ibid.*

[5] 2° The voluntary is divided into necessary and free. Free is that which proceeds from appetite with an indifferent judgment and power toward the opposite, as in man acting with full advertence concerning created goods. Necessary, that which proceeds from appetite with a judgment determined to one without power toward the opposite, as in brutes and human motions preceding the deliberation of reason.

2° Dividitur voluntarium in necessarium et liberum. Liberum est quod procedit ab appetitu cum judicio indifferenti et potentia ad oppositum, ut in homine cum plena advertentia agente circa bona creata. Necessarium, quod procedit ab appetitu cum judicio determinato ad unum sine potentia ad oppositum, ut in brutis et motibus humanis praevenientibus deliberationem rationis.

[6] 3° The voluntary is divided into the voluntary in itself and the voluntary in cause. Voluntary in itself is whatever proceeds per se from the will expressly willing it, or every act which per se is intended, elicited, commanded, or positively admitted by the will; as, if you deliberately hate an enemy, you wish to kill, you command killing, you positively consent to one willing to kill. It is called also direct, express, and explicit voluntary.

3° Dividitur voluntarium in se et voluntarium in causa. Voluntarium in se est quidquid procedit per se a voluntate expresso actu id volente, seu omnis actus qui per se intenditur, elicitur, imperatur, vel positive admittatur a voluntate; ut, si deliberate odisti inimicum, vis occidere, occidi imperas, volenti occidere positive consentis. Dicitur etiam voluntarium directum, expressum et explicitum.

[7] Voluntary in cause is that which in itself is not immediately intended, elicited, or commanded by the will, but follows nevertheless from something willed per se and in itself, and therefore is reckoned willed in another as in its cause: thus quarrels are voluntary in cause for him who deliberately makes himself drunk, knowing that in drunkenness he quarrels freely everywhere, although elsewhere he detests quarrels. It is called also indirect, imperfect, and interpretative voluntary.

Voluntarium in causa est id quod in se immediate non intenditur, elicitur, vel imperatur a voluntate, sequitur tamen ex aliquo per se et in se volito, et ideo censetur volitum in alio tanquam in causa: sic rixae sunt voluntariae in causa, illi qui se deliberate inebriat, sciens se in ebrietate passim rixari, licet aliunde rixas in se detestetur. Dicitur etiam voluntarium indirectum, imperfectum et interpretativum.

[8] For this voluntary, the indirect one or that in cause, theologians commonly require three conditions. The first is that the effect was foreseen, or ought and could have been foreseen in a human way to follow from such cause; failing this, drunkenness is not indirectly voluntary for him who, ignorant of the force of wine and drinking to satiety, becomes drunk, as happened to Noë. Second, that it can. Third, that he ought to remove this cause and impede this effect; for if by no law am I bound to remove this cause, but on the contrary have just reason for positing it, there is no reason why what follows from it against my intention should be imputed to me, at least morally. Hence disordered

motions are not imputed as voluntary to the confessor or surgeon, since these are not bound on that account to omit their ministry, but on the contrary have just cause for exercising it.

> *Ad hoc voluntarium indirectum seu in causa theologi communiter requirunt tres conditiones. Prima est ut effectus praevisus fuerit, aut debuerit ac potuerit humano modo praevideri secuturus ex tali causa; cujus defectu ebrietas non est indirecte voluntaria illi qui ignorans vim vini et bibens ad satietatem, inebriatur, ut accidit Noë. Secunda, quod possit. Tertia, quod debeat auferre hanc causam et hunc effectum impedire; si enim nulla lege teneor hanc causam amovere, sed e contra habeam justam rationem illam ponendi, non est cur mihi imputetur, saltem moraliter, quod ex illa contra meam intentionem sequitur. Hinc motus inordinati non imputantur voluntarii confessario, vel chirurgo, cum isti non teneantur ideo omittere suum ministerium, sed e contra justam habeant causam illud exercendi.*

9 But when is anyone bound to omit or remove the cause from which an evil effect follows? A question difficult of solution on account of the diversity of cases occurring; for which are to be seen the things I say in the treatise de Jure et Justitia, dissert. VI, a. 12, in the premises, from which I repeat these few things.

> *Quandonam autem quis tenetur omittere seu auferre causam ex qua sequitur malus effectus? Quaestio solutu difficilis propter diversitatem casuum occurrentium, pro qua videnda sunt quae dico in tractatu de Jure et Justitia, dissert. VI, a. 12, in praenominibus, ex quibus haec pauca repeto.*

10 That it may be discerned when the cause ought, or ought not, to be omitted or removed on account of the evil effect to follow from it, whether per se or per accidens, the evil effect must be compared with the good, and at the same time weighed how great is the influx of the cause into the evil effect: so that if the cause influences per se and proximately into the evil effect, and this outweighs the good effect, there is grave obligation of omitting or removing the cause; but none if the good effect outweighs, or at least equals, the evil. By what reason we said that just defense need not be omitted, from which proximately follows the death of the unjust invader, because the life of the innocent outweighs or at least equals the life of the noxious man; nor ought the damnation which the unjust invader incurs be attended to, because this does not follow from the just defense of invasion, but from the malice of the invader, to lay aside which lies in his own hand.

> *Ut dignoscatur quando debeat vel non debeat omitti seu auferri causa propter malum effectum ex ea, sive per se, sive per accidens secuturum, debet comparari malus effectus cum bono, et simul pensari quantus sit influxus causae in effectum malum : ita ut, si causa per se et proxime influat in effectum malum, et iste praeponderet bono effectui, sit gravis obligatio omittendi aut auferendi causam ; nulla vero, si bonus effectus praeponderet, aut saltem aequivaleat malo. Qua ratione diximus non esse necessario omittendam justam defensionem ex qua proxime sequitur mors injusti invasoris, quia vita innocentis praeponderat aut saltem aequivalet vitae nocentis; nec debet attendi damnatio quam incurrit injustus invasor, quia haec non sequitur ex justa invasi defensione, sed ex malitia invadentis, quam deponere penes ipsum est.*

11 But if the cause influences remotely and lightly into the evil effect, and from it some good effect also follows, although it does not outweigh or equal the evil, there is no obligation of removing the cause, because less reason is required for positing a cause influencing only lightly and remotely into evil, than if it influenced gravely and proximately.

> *Si vero causa remote et leviter influat in effectum malum, et ex ea etiam sequatur aliquis bonus effectus, quamvis non praeponderet aut non aequivaleat malo, non est obligatio auferendi causam, quia minor ratio requiritur ad ponendam causam leviter tantum et remote influentem in malum, quam si graviter et proxime influeret.*

12 Hence you are not bound to abstain from honest and useful conversation on account of the motions arising from it. But if the cause influencing lightly and remotely be venially evil in itself, or from it no good effect follows, then there will be obligation of removing it, but light and only under venial sin, unless in this and the preceding case there be question of grave damage to a neighbor: because that obligation must be estimated according to the quantity of the influx of the cause; for since the effect is voluntary only in the cause, and is contained lightly and remotely in the cause, it is lightly voluntary in it, and consequently imputable to light fault, and further there is light obligation of removing the cause on account of that effect. Hence you are bound under venial sin to abstain from honest but useless conversation, or from curious reading from which you foresee disordered motions will follow, and this not only by reason of the cause itself, which already is venial in itself, but also by reason of the effect itself. I said, for these last two assertions, « unless the evil effect be grave damage to a neighbor; » for then there would be grave obligation of removing the cause, because charity commands us not only not to cause evil to our neighbor, but also, insofar as we conveniently can, to prevent it.

> *Hinc non teneris abstinere a colloquio honesto et utili propter motus inde exsurgentes. Si vero causa leviter et remote influens sit in se venialiter mala, aut ex ea nullus sequatur bonus effectus, erit tunc obligatio illam auferendi, sed levis et sub veniali tantum, nisi in hoc et praecedenti casu agatur de gravi damno proximi : quia ista obligatio aestimanda est juxta quantitatem influxus causae; cum enim effectus non sit voluntarius nisi in causa, et leviter ac remote contineatur in causa, leviter est in ea voluntarius, adeoque ad levem culpam imputabilis, et ulterius levis obligatio auferendi causam ob illum effectum. Hinc teneris sub veniali abstinere a conversatione honesta, sed inutili, vel a lectione curiosa ex qua praevides secuturos motus inordinatos, idque non solum ratione ipsius causae, quae jam est in se venialis, sed etiam ratione ipsius effectus. Dixi pro his duabus ultimis assertionibus, « nisi effectus malus sit in grave damnum proximi; » tunc enim foret gravis obligatio amovendi causam, quia charitas jubet nos non solum non causare malum proximo, sed etiam, in quantum commode possumus, illud impedire.*

13 4° The voluntary is divided into positive and negative [1]. The author calls it direct and indirect. The positive or direct voluntary is that which proceeds from the will by real influx, as are all acts elicited or commanded by the will. The negative or indirect voluntary indeed does not proceed from the will by real influx, yet depends upon it, whence it is said to proceed from it negatively, as the omission of Mass in one who, adverting to its approaching celebration, applies himself to study, without saying actually and positively: « I do not will to hear it. »

1 *Ibid.*, a. 3, c.

> *4° Dividitur voluntarium in positivum et negativum [1]. Author vocat directum et indirectum. Voluntarium positivum seu directum est quod a voluntate per realem influxum procedit, ut sunt omnes actus eliciti vel imperati a voluntate. Voluntarium negativum seu indirectum non procedit quidem a voluntate per realem influxum, ab ea tamen dependet, unde dicitur ab ea negative procedere, ut omissio missae, in eo qui advertens ad instantem ejus celebrationem, studio se accingit, absque eo quod actu positivo dicat : « Nolo audire. »*
>
> [1] *Ibid., a. 3, c.*

14 [5° The voluntary is divided into express and tacit. The express voluntary is that which is declared distinctly by word or sign. The tacit voluntary is that which is not distinctly declared, but is gathered from some fact or omission, according to rule 43 of Law: « Who is silent seems to consent. » Truly in interpreting that voluntary one must proceed cautiously and discreetly, on account of this other rule of Law, which is 44: « He who is silent does not confess, but certainly neither does he seem to deny. »

There must be added, therefore, that the former rule be rightly understood: « When he is bound to speak, and can. »]

[5° Dividitur voluntarium in expressum et tacitum. Voluntarium expressum est illud quod distincte verbo aut signo declaratur. Voluntarium tacitum est illud quod distincte non declaratur, sed ex quodam facto vel aliqua omissione colligitur, juxta regulam 43 Juris : « Qui tacet consentire videtur. » Verum in illo voluntario interpretando caute et discrete procedendum est, propter hanc aliam Juris regulam, quae est 4/ : « Is qui tacet, non fatetur, sed neque utique negare videtur. » Addendum est igitur, ut prior regula recte intelligatur : « Quando loqui tenetur, et potest. »]

15 These are the more common divisions of the voluntary; certain others will occur in what follows.

Hae sunt communiores voluntarii divisiones, quaedam aliae occurrent in sequentibus.

16 *You will ask* whether the perfect voluntary is the same as free.

Petes *utrum voluntarium perfectum sit idem quod liberum.*

17 *I answer.* negatively. For there is given a voluntary necessary from the perfection of cognition, which is perfectly, and more perfectly, voluntary than free, namely beatific love. For this proceeds from a maximally intrinsic principle, namely from the will loving God with whole heart, whole affection, and endeavor, and is accompanied by most perfect cognition, namely the clear vision of God most perfectly flowing into that love and equaling the whole universality of intellect and will.

Resp. *negative. Datur enim voluntarium necessarium ex perfectione cognitionis, quod est perfecte et perfectius voluntarium quam liberum, nempe amor beatificus. Hic namque procedit a principio maxime intrinseco, scilicet a voluntate toto corde, toto affectu et conatu Deum amante, et est cum perfectissima cognitione, nempe clara Dei visione perfectissime influente in eum amorem et totam universalitatem intellectus et voluntatis adaequante.*

18 *You will say.* The same argument can be made of that necessary love by which God loves himself and produces the Holy Spirit. For it would be absurd to imagine God loving himself with lesser inclination and more imperfect cognition than creatures, whom he loves freely.

Ergo. Idem argumentum fieri potest de amore necessario quo Deus seipsum diligit et producit Spiritum sanctum. Absurdum namque foret imaginari Deum minori inclinatione et imperfectiori cognitione seipsum diligere, quam creaturas, quas libere amat.

Whether an omission, and the effect that follows from it, are voluntary without a precept to place the act omitted?

1 *Note* 1°. The question is not of omission directly voluntary, namely when the one omitting in act wills positively to omit; for all confess that then, for the omission to be voluntary, no precept or obligation of positing the act omitted is required, because then the will is terminated directly and positively to it. But the question is of omission indirectly voluntary, namely when someone, being advertent, posits some act incompossible with the act omitted; e.g., someone, while the practical judgment dictates that Mass is presently to be celebrated and can be heard, chooses to remain at home, or to play, or to study, yet without saying: « I will to omit Mass. »

Nota *1°. Quaestio non est de omissione directe voluntaria, quando nempe actu omitens vult actu positive omittre; fatentur enim omnes quod tunc non requiratur praeceptum seu obligatio ponendi actum qui omittitur, ut omissio sit voluntaria, quia tunc voluntas directe et positive terminatur ad illam. Sed quaestio est de omissione indirecte voluntaria, quando scilicet aliquis advertens ponit aliquem actum incompossibilem cum actu qui omittitur, v. g., quis, dictante*

judicio practico missam mox celebrandam et posse audiri, eligit manere domi, vel ludere, aut studere, absque eo tamen quod dicat : « Volo omittere missam. »

2 *Note* 2° that distinction must be made between culpable and voluntary omission; for it is certain that omission is not culpable without a precept of positing the act omitted.

Nota 2° *esse distinguendum inter omissionem culpabilem et voluntariam; certum est enim non esse culpabilem sine praecepto ponendi actum qui omittitur.*

3 **I say** 1°: For omission to be voluntary, there is not required a precept or obligation of positing the act omitted.

***Dico** 1° : Ut omissio sit voluntaria, non requiritur praeceptum seu obligatio ponendi actum qui omittitur.*

4 *It is proved* 1° by the fundamental reason. The voluntary is from an intrinsic principle with knowledge of the end. But, the precept of positing the act omitted being set aside, its omission is from an intrinsic principle with knowledge of the end. Therefore. — Proof of the minor: 1° We suppose the intellect to advert to what is omitted, otherwise it would be mere forgetfulness or negative omission. 2° This omission hangs upon the will, whether it be posited or not posited. 3° The will elicits advertently some act incompossible with the omitted act, whereby liberty is exercised in act, and from which the omission follows. Therefore, the precept being set aside, omission is from an intrinsic principle with knowledge of the end, and the omission is indirectly voluntary and thus elicited. What the adversaries oppose against this fundamental reason we shall say in the solution of the objections.

Probatur *1° ratione fundamentali. Voluntarium est a principio intrinseco cum cognitione finis. Atqui, secluso praecepto ponendi actum qui omittitur, ejus omissio est a principio intrinseco cum cognitione finis. Ergo. — Prob. min. 1° Supponimus intellectum advertere ad id quod omittitur, alias foret mera oblivio aut omissio negativa. 2° Ista omissio pendet a voluntate, ut ponatur vel non ponatur. 3° Voluntas elicit advertenter aliquem actum cum actu omisso incompossibilem, per quem libertas actu exercetur et ex quo sequitur omissio. Ergo, secluso praecepto, omissio est a principio intrinseco cum cognitione finis, omissioque est a voluntaria indirecta et sic elicitur. Quae opponant adversarii huic rationi fundamentali dicemus in solutione objectionum.*

5 *It is confirmed*. He who omits freely omits voluntarily. But he who, intent upon study, omits Mass on a feria omits no less freely than on a feast day. Therefore.

Confirmatur. *Qui omittit libere, omittit voluntarie. Atqui qui studio intentus omittit missam die feriali, non minus libere omittit quam die festo. Ergo.*

6 *It is proved* 2° a posteriori. Many are the indirect voluntary omissions of acts not precepted; thus, e.g., he who, given to study or prayer, omits warming himself, or recreation, or some other convenience licit indeed but not precepted — not by direct volition of those omissions, but out of voluntary choice of study or prayer at that time, or on that occasion when he could licitly enjoy these conveniences; these, I say, are indirectly voluntary omissions, as no one, I think, will deny, since they are meritorious. Therefore it is plain that an indirect voluntary omission can exist without precept.

Probatur 2° *conclusio a posteriori. Multae sunt omissiones voluntariae indirectae actuum non praeceptorum, sic, v. g., qui studio vel orationi vacans omittit calefactionem, vel recreationem, vel aliquam aliam commoditatem licitam, sed non praeceptam, non per volitionem directam illarum omissionum, sed ex electione voluntaria studii vel orationis eo tempore,*

vel ea occasione qua posset licite his commoditatibus frui; has, inquam, omissiones esse indirecte voluntarias, nemo, putem, inficiabitur, cum sint meritoriae. Ergo palam est, posse dari omissionem voluntariam indirecte absque praecepto.

7 **I say** 2°: The effect consequent upon or concomitant with the omission is not voluntary without obligation of impeding it, unless perchance the omission be ordered as a means toward this effect.

***Dico** 2° : Effectus consequens seu concomitans omissionem, non est voluntarius absque obligatione illum impediendi, nisi forte omissio per modum medii ad hunc effectum ordinetur.*

8 *It is proved* 1° a priori. The effect following or accompanying the omission, the obligation of impeding it being set aside, proceeds neither physically nor morally from the will: not physically, because the will precisely omitting has no physical influx upon the existence of this effect, nor can omission, since it is a non-being, cause it physically; not morally, because there is no reason why an effect upon which the will has in no wise physical influx should be referred back to it as cause, unless because it could and ought to have impeded it. But by the very fact that it can and ought to impede such an effect, the effect begins to belong to it, and there is due to it the care of impeding it; whence omission of impeding is reckoned as volition of the effect, because no one is presumed unwilling to fulfill his debt, unless he wills the opposite the more. Therefore, the obligation of impeding the effect consequent upon the omission being set aside, that effect is not voluntary.

Probatur *1° a priori. Effectus sequens seu concomitans omissionem, seclusa obligatione illum impediendi, neque physicè, neque moraliter procedit a voluntate : non physicè, quia voluntas praecise omittens nullum habet influxum physicum in hujus effectus existentiam, neque omissio, cum sit non ens, potest illum physicè causare; non moraliter, quia non est ratio cur effectus in quem nullo modo voluntas physicè influit, in ipsam refundatur, ut in causam, nisi quia potuit et debuit impedire. Hoc ipso autem quo potest et debet impedire hujusmodi effectum, effectus incipit pertinere ad ipsam, et est illi debita cura illum impediendi, unde omissio impediendi reputatur pro volitione effectus, quia nemo praesumitur nolle implere suum debitum, nisi magis velit oppositum. Ergo, seclusa obligatione impediendi effectus sequentem ex omissione, iste effectus non est voluntarius.*

9 *It is confirmed* from the difference which exists between the omission itself and the effect following or accompanying it respectively with respect to the will. Omission per se immediately, no other cause intervening, depends upon the will; for the will can equally immediately nill as will. Whence, that the nolition, or omission of willing, be indirectly voluntary, it needs no other cause than only advertence and the suspension of influx after the vital manner, which is furnished by eliciting another act incompossible with the act omitted; for then the omission proceeds indirectly from an intrinsic principle with knowledge of the end. But the effect following, or accompanying, the omission is not per se immediately from the will, but mediately, through another cause intervening: thus, e.g., while I omit to part two quarrelers, the killing ensuing thence is caused neither by my will nor by my omission, but by the sword of the slayer; likewise, when a sailor omits to steer the ship, neither his will nor his omission submerges the ship, but the tempest. That therefore such an effect be referred back to the will as to its cause, and be called interpretatively voluntary, something must be assigned whereby it comes about that it belongs in some way to the will and has some connection with it; and nothing else can be assigned except a precept of impeding that effect, as I said in the first proof.

Confirmatur *ex discrimine quod est inter ipsam omissionem et effectum illam sequentem aut comitantem respective ad voluntatem. Omissio per se immediate, nulla alia causa interveniente, pendet a voluntate; voluntas enim aeque immediate potest non velle ac velle. Unde, ut non volitio, seu omissio volendi, sit voluntaria indirecte, non indiget alia causa, sed dumtaxat advertentia et suspensione influxus modo vitali, quod praestat eliciendo alterum actum*

incompossibilem cum actu qui omittitur; tunc enim omissio procedit indirecte a principio intrinseco cum cognitione finis. At vero effectus omissionem sequens, aut concomitans, non est per se immediate a voluntate, sed mediante alia causa interveniente : sic, v. g., dum omitto separare duos rixantes, occisio inde secuta neque a mea voluntate, neque a mea omissione causatur, sed a gladio occisoris ; item, quando nauta omittit gubernare navim, neque ejus voluntas, neque ejus omissio submergit navim, sed tempestas. Ut ergo talis effectus refundatur in voluntatem, ut in causam, et dicatur interpretative voluntarius, debet assignari aliquid quo fit ut pertineat aliquo modo ad voluntatem et aliquam connexionem habeat cum illa, et aliud assignari non potest, nisi praeceptum illum effectum impediendi, ut dixi in prima probatione.

10 *It is proved* 2° a posteriori. There are effects following or accompanying voluntary omission which are in no wise voluntary through defect of the obligation of impeding them: thus God voluntarily omits to impede the sins of men, and yet sins are not voluntary in him, because he is not bound to impede them.

Probatur 2° *a posteriori. Dantur effectus sequentes aut comitantes omissionem voluntariam, qui nullo modo sunt voluntarii defectu obligationis illos impediendi : sic Deus omittit voluntarie impedire peccata hominum, et tamen peccata non sunt illi voluntaria, quia non tenetur illa impedire.*

11 I said in the conclusion, « Unless perchance the omission be ordered as a means toward this effect »; because then it is manifest that such an effect would be directly intended and willed, consequently positively and directly voluntary: as if someone, to that end that he suffer cold for mortification's sake, omit to approach the fire; cold is positively voluntary in him, because per se intended and willed.

Dixi in conclusione : « Nisi forte omissio per modum medii ordinetur ad hunc effectum; » quia tunc manifestum est quod talis effectus esset directe intentus et volitus, consequenter positive et directe voluntarius : ut si quis eo fine ut patiatur frigus mortificationis ergo, omittat accedere ad ignem; frigus est ipsi positive voluntarium, quia per se intentum et volitum.

12 *Obj.* 1° against the first conclusion: St. Thomas, here a. 3, c., says: « Since therefore the will, by willing and acting, can impede this, that it will not and act not, and sometimes ought, therefore not to will and not to act is imputed to it as existing from it. » Therefore, according to St. Thomas, omission without precept is not voluntary.

Obj. *1° contra primam conclusionem : S. Thomas, hic, a. 3, c, dicit : « Quia igitur voluntas, volendo et agendo, potest impedire hoc quod est non velle et non agere, et aliquando debet, ideo non velle et non agere imputatur ei quasi ab illa existens. » Ergo, juxta S. Thomam, omissio sine praecepto non est voluntaria.*

13 *I answer.* St. Thomas speaks of omission insofar as it is at once culpable and voluntary, as is plain from this word « imputed ».

Resp. *S. Thomam loqui de omissione qua sit simul culpabilis et voluntaria, ut patet ex hoc vocabulo « imputatur. »*

14 *Obj.* 2°: An omission, e.g., of Mass, is not voluntary unless it have the character of privation, because negative omission was already in the will before one willed or nilled, and not while the time of Mass was present. But, the precept being set aside, omission of Mass has not the character of privation, but of mere negation. Therefore. — Proof of the minor: Privation is the lack of a form due to the subject. But, the precept being set aside, hearing Mass is not due. Therefore. And this is the principal foundation of Gonet.

Obj. 2° : *Omissio, v. g., missae, non est voluntaria, nisi habeat rationem privationis, quia omissio negativa erat jam in voluntate, antequam vellet aut nollet, et non instantè tempore missae. Atqui, secluso praecepto, omissio missae non habet rationem privationis, sed merae negationis. Ergo. — Prob. min. Privatio est carentia formae debitae subjecto. Atqui, secluso praecepto, non est debitum audiendi missam. Ergo. Et hoc est praecipuum fundamentum Goneti.*

15 *I answer*, with Contenson: I deny the minor; to prove it, distinguish the minor. The precept being set aside, hearing Mass is not due legally and morally, that is, by way of obligation — grant the minor; it is not due physically and naturally, that is, by way of disposition and exigency — I deny the minor. A twofold debt therefore must be distinguished, one moral and of obligation, by force of a law that binds; the other natural, by force of a disposition that demands. And to this twofold debt corresponds a twofold privation: one is the lack of the act due by force of precept; the other, the lack of the act due by force of the disposition toward it. Although therefore the work, e.g., the hearing of Mass on a feria, is not due by force of precept, nevertheless, advertence being posited and the dictamen proposing in practice that Mass be celebrated here and now, Mass is due by a natural debt, that is, of exigency and disposition; for it cannot be denied that the thought and dictamen concerning some act are a disposition toward it, since the beginning of every work is the thought of it. When therefore man rejects this dictamen, and thereby prudently and knowingly turns himself to an act incompossible with hearing Mass, he stands not only negatively but privatively toward it, and voluntarily omits it: just as, e.g., while matter is disposed to some form, that form is due to it; and if, notwithstanding this disposition, another be introduced, it is said to be deprived of it.

Resp. *cum Contensono : Nego min.; ad prob. dist. min. Secluso praecepto, non est debitum audiendi missam legale et morale, seu obligationis,* conc. min.*; non est debitum physicum et naturale, seu dispositionis et exigentiae,* nego min. *Duplex itaque debet distingui debitum, unum morale et obligationis, vi legis obligantis, alterum naturale, vi dispositionis exigentis. Et huic duplici debito respondet duplex privatio : una est carentia actus debiti vi praecepti, altera carentia actus debiti vi dispositionis ad illum. Quamvis ergo opus, v. g., auditio missae die feriali, non sit debita vi praecepti, attamen, posita advertentia et dictamine proponente practice missam hic et nunc celebrandam, missa est debita debito naturali, seu exigentiae et dispositionis ; negari enim non potest quin cogitatio et dictamen de aliquo actu sit dispositio ad illum, cum initium cujusvis operis sit cogitatio de illo. Quando ergo homo respuit hoc dictamen, et per hoc prudens et sciens se convertit ad actum incompossibilem cum auditione missae, non solum negative, sed privative se habet ad illam, et eam voluntarie omittit : sicut, v. g., dum materia est disposita ad aliquam formam, forma est illi debita, et si, non obstante hac dispositione, alia introducatur, dicitur ea privari.*

Whether violence causes the involuntary?

1 Four causes of the involuntary are commonly assigned: violence, fear, concupiscence and ignorance. But *note*, once for all, that when it is said that violence, or fear, or concupiscence, or ignorance cause the involuntary, the sense is not that violence, fear, concupiscence, or ignorance physically influence the act of will, upon its very involuntariness so to speak, but that they move physically or morally toward an act which simply or relatively is contrary to the inclination of the will; whence that involuntariness is caused by love of some opposite good. Thus, e.g., while one is moved by fear of shipwreck to cast goods overboard, that casting is involuntary in a certain respect [secundum quid], because it repugns to the affection which the one casting has for preserving his goods; whence the involuntary found in that casting is not caused by fear, but by love of his goods.

Assignantur communiter quatuor causae involuntarii : violentia, metus, concupiscentia et ignorantia. Sed Nota *semel pro semper quod, dum dicitur, sive violentiam, sive metum, sive concupiscentiam, sive ignorantiam causare*

> *involuntarium, non sit sensus quod violentia, metus, concupiscentia, aut ignorantia, physicè influant in actum voluntatis, in ipsam, ut ita dicam, involuntarietatem, sed quod vel physice vel moraliter moveant ad actum qui vel simpliciter vel secundum quid contrariatur inclinationi voluntatis; unde illa involuntarietas causatur ab amore alicujus boni oppositi. Sic, v. g., dum quis, metu naufragii, movetur ad projiciendas merces, ista projectio est involuntaria secundum quid, quia repugnat affectui quem projiciens habet conservandi suas merces; unde involuntarium quod reperitur in ista projectione non causatur a metu, sed ab amore mercium.*

2 The proper sense, therefore, of these questions is, that acts from violence, fear, concupiscence and ignorance are involuntary simply or in a certain respect, inasmuch as they suppose in the agent an inclination simply or in a certain respect contrary to the present act toward which they move. I suppose that violence cannot be inflicted upon the will as to elicited acts, well indeed as to commanded acts.

> *Proprius ergo sensus harum quaestionum est, quod actus ex violentia, metu, concupiscentia et ignorantia sint involuntarii simpliciter vel secundum quid, in quantum supponunt in agente inclinationem simpliciter vel secundum quid contrariam presenti actui ad quem movent. Suppono violentiam non posse inferri voluntati quoad actus elicitos, bene tamen quoad actus imperatos.*

3 The first part stands, because the violent, which is from an extrinsic principle with the patient resisting, is against the inclination of the patient. But an act elicited by the will is not from an extrinsic principle but intrinsic, namely from the will, nor against the inclination of the patient, since it is nothing else than the very inclination of the will toward its object. Whence St. Anselm rightly said, de Lib. arbit., cap. 6: « No one unwilling can will anything, because he cannot will, unwilling to will. »

> *Prima pars constat, quia violentum quod est a principio extrinseco, passo renitente, est contra inclinationem passi. Atqui actus elicitus a voluntate non est a principio extrinseco, sed intrinseco, nempe a voluntate, nec contra inclinationem passi, cum nihil sit aliud quam inclinatio ipsius voluntatis in suum objectum. Unde merito dixit S. Anselmus, de Lib. arbit., cap. 6 : « Invitus nemo potest velle aliquid, quia non potest velle, nolens velle. »*

4 Plain also is the second part, because the members, or exterior powers, can be moved by force from without or impeded against the command of the will [1], as if, e.g., the will wished to see, one could forcibly close the eyes, and if it wished not to see, one could force open the eyes: and so of the rest. Therefore.

1 Here q. 6, a. 4, c.

> *Patet etiam secunda pars, quia possunt membra, seu potentiae exteriores, ab extrinseco vi moveri aut impediri contra imperium voluntatis[1], ut si, v. g., voluntas vellet videre, posset quis vi claudere oculos, et si nollet videre, posset vi aperire oculos : et sic de caeteris. Ergo.*
>
> *1 Hic q. 6, a. 4, c.*

5 Of these commanded acts the question is whether violence causes the involuntary in them. Wherefore

> *De his actibus imperatis, quaestio est utrum violentia causet in iis involuntarium. Pro quo*

6 **I say**: Violence causes the involuntary simply, or the act done under violence is involuntary simply.

> ***Dico** : Violentia causat involuntarium simpliciter, seu actus ex violentia factus est involuntarius simpliciter.*

7 Understand the conclusion of absolute violence, which one cannot overcome with all legitimate effort employed, not of violence in a certain respect, which one could conquer if he resisted as much as he morally can.

> *Intellige conclusionem de violentia absoluta, quam quis adhibito omni legitimo conatu superare non potest, non de violentia secundum quid quam quis vincere posset, si resisteret quantum moraliter potest.*

8 *It is proved* of the conclusion. The voluntary is from an intrinsic principle and consequently according to inclination; the violent is from an extrinsic principle and against the inclination of the patient; for we defined it « that which is from an extrinsic principle with the patient resisting ». Therefore what is violent is not voluntary.

> Probatur *conclusio. Voluntarium est a principio intrinseco et consequenter secundum inclinationem; violentum est a principio extrinseco et contra inclinationem passi; definivimus enim illud « id quod est a principio extrinseco, passo renitente. » Ergo quod est violentum non est voluntarium.*

9 From these authors commonly gather that a woman oppressed by violence from a man, resisting him both within and without as much as she morally can, sins nowise; because this violence destroys altogether the voluntary, without which there is no sin.

> *Ex his colligunt communiter authores mulierem vi oppressam a viro cui et interius et exterius resistit, quantum moraliter potest, nullatenus peccare, quia haec violentia perimit omnino voluntarium, sine quo non est peccatum.*

10 But if you ask what and how much the woman ought to do, that she be held to resist as much as she morally can, and thus suffer absolute violence simply so called,

> *Si autem quaeras quid et quantum facere debeat mulier, ut censeatur resistere quantum potest moraliter, sicque pati violentiam absolutam et simpliciter dictam.*

11 *I answer.* First that she cannot kill the oppressor; because, as we say de Jure et Just., dissert. X, a. 6, § 2, chastity is a good of lower order than the life of man. She can however resist with cries, blows, slaps, wounding of the oppressor, yet not lethally, and the like; and to these she is bound, short nevertheless of danger to her own life and reputation; because, if such danger be present, and elsewhere there be absent danger of interior consent to lust, she is not bound to resist externally at so great loss of higher goods; because external resistance is an affirmative precept which does not bind always, and at so great cost. I said, « provided danger of consent to interior lust be absent »; which since it rarely is absent, rarely also is she bound to employ these at peril of life or reputation.

> Resp. *imprimis non posse occidere oppressorem; quia, ut dicimus de Jure et Just., dissert. X, a. 6, § 2, pudicitia est bonum inferioris ordinis ad vitam hominis. Potest autem resistere clamoribus, pugnis, alapis, laesione oppressoris, non tamen lethali, et similibus, atque ad haec tenetur, citra tamen periculum propriae vitae et famae; quia, si subsit hujusmodi periculum et aliunde absit periculum interioris consensus libidini, non tenetur cum tanto detrimento bonorum superiorum resistere exterius; quia resistere exterius est praeceptum affirmativum quod non obligat pro semper, et cum tanto dispendio. Dixi, « modo absit periculum consensus interioris libidini, » quod cum raro absit, etiam raro non tenetur haec adhibere eum periculo vitae aut famae.*

12 [Too absolutely does our Author deny that, in the case proposed, it is licit for the woman even to kill the oppressor.

> *[Nimis absolute negat Author quod, in casu proposito, liceat mulieri etiam oppressorem occidere.*

13 Theologians commonly hold it licit to kill an unjust invader of goods of fortune, « if they be of great moment, and cannot otherwise be defended or recovered than by the death of the despoiler, » as Sylvius says, in *IIam IIae*, q. 64, a. 7.

> *Communiter tenent theologi licitum esse occidere invasorem injustum rerum fortunae, « si sint magni momenti, et non possint aliter aut defendi aut recuperari quam per mortem diripientis, » ut ait Sylvius, in* IIam IIae*, q. 64, a. 7.*

14 And the same many cited by St. Alphonsus hold, lib. IV, n. 383; and this card. Gousset holds at least as more probable, n. 617, and Gury, n. 397. But chastity, and especially virginity, considered in itself, far surpasses goods of fortune. Therefore much more is it licit to kill the aggressor, if no other way be at hand for preserving chastity. So say the authors just named.

> *Et idem tenent multi a S. Ligorio citati, lib. IV, n. 383, et hoc habent saltem ut probabilius card. Gousset, n. 617, et Gury, n. 397. Atqui pudicitia, et praesertim virginitas, in se spectata, multo praestat bonis fortunae. Ergo a fortiori licet occidere aggressorem, si nulla alia via suppetat ad pudicitiam servandam. Ita authores praedicti.*

15 Moreover everyone is bound to turn away proximate danger of mortal sin. But in the case the woman is placed in proximate danger of consenting to another's lust, which consent would be mortal sin. Therefore she not only can but is bound to turn away that danger, even by killing of the aggressor.

> *Aliunde quisque tenetur periculum proximum peccati mortaliter avertere. Atqui, in casu, mulier constituitur in periculo proximo consentiendi libidini alienae, qui consensus esset peccatum mortale. Ergo non tantum potest, sed et tenetur illud periculum avertere, etiam occisione aggressoris.*

16 If you say that everyone is bound to prefer the eternal salvation of his neighbor to his own temporal good, I answer:

> *Si dicas, unumquemque teneri praeferre salutem aeternam proximi proprio bono temporali, respondeo :*

17 1° The aggressor freely and knowingly casts himself into danger of salvation, and cannot require that the woman renounce a good, even temporal, which far surpasses other goods of the same order, to turn away from a criminal such danger as is willed at least in its cause.

> *1° Aggressor seipsum libere et scienter conjicit in periculum salutis, et non potest exigere ut mulier renuntiet bono etiam temporali, quod multum praestat caeteris bonis ejusdem ordinis, ad avertendum ab homine criminoso tale periculum quod est volitum saltem in causa.*

18 2° The woman, if she repel not the force by every possible means, is herself constituted in danger of the same kind, namely of consenting to lust and losing through mortal sin the supernatural life of the soul. But not only is she not bound, she cannot even licitly prefer the salvation of another to her own salvation. Therefore. Whence St. Antoninus says in Summa, part. III, tit. 4, c. 3, § 2: « The woman uses her natural right, whereby she may repel force with force, and she is bound rather to provide for her own salvation than for another's; for she exposes herself to danger of consenting to an act of sin by suffering herself to be oppressed, on account of the difficulty of the pleasure. »

> *2° Mulier, si vim non repellat omni modo possibili, constituitur ipsa in periculo ejusdem generis, nempe consentiendi libidini et amittendi per peccatum mortale vitam supernaturalem animae. Atqui non tantum non tenetur, sed nequidem potest licite salutem alterius propriae saluti anteferre. Ergo. Unde S. Antoninus dicit in Summa, part. III, tit. 4, c. 3, § 2 : « Mulier utitur jure suo naturali, quo licet vim vi repellere, et magis tenetur saluti suae providere, quam alienae; nam exponit se periculo consentiendi actui peccati, permittendo se opprimi, propter difficultatem voluptatis. »*

19 It must therefore be concluded, against our Author, that this violence does not destroy the voluntary altogether; for that cannot be judged altogether involuntary which is not removed by all possible and licit means.]

> *Concludendum est ergo, contra Authorem nostrum, hanc violentiam non perimere omnino voluntarium, quia censeri non potest omnino involuntarium quod non removetur omnibus mediis possibilibus et licitis.]*

Whether fear causes the involuntary?

1 Fear is defined in law: « Trembling of mind from the cause of future and imminent danger, » that is, disquietude and disturbance. One fear is grave, another light. Grave fear is one kind absolutely grave, namely whereby a grave and imminent evil is feared, as death, exile, hard imprisonment, etc.; this is called such as befalls a man of constancy, that is, whereby men otherwise of constancy are commonly moved, although at times they ought not to be moved; for no one ought to be moved by any fear whatever, e. g., to perjury. Another fear is respectively grave, whereby although a man of constancy would not be moved, yet a timid person would be moved, as a child, a woman, an old man.

> *Metus definitur in Jure : « Futuri et instantis periculi causa mentis trepidatio, » id est, inquietudo et perturbatio. Alius est gravis, alius levis. Gravis, alius absolute gravis, quo nempe timetur malum grave et imminens, ut mors, exilium, durus carcer, etc., dicitur cadens in virum constantem, id est quo viri aliunde constantes passim moventur, licet quandoque moveri non deberent; nemo enim quovis metu deberet moveri, v. g., ad pejerandum. Alius respective gravis, quo licet non moveretur vir constans, moveretur tamen meticulosus, ut puer, femina, senex.*

2 Fear is light when a light evil is feared, or indeed a grave one, but not imminent; as if, under a serene sky, or with frost pinching, you should fear lightning. To absolutely grave fear is reduced reverential fear, whereby one fears superiors gravely incensed and threatening. But if threats and grave indignation are absent, it can be called light, unless perhaps respectively as regards daughters of the family, who have a timid disposition.

> *Levis est quando timetur leve malum, aut grave quidem, sed non imminens; ut si, sereno coelo, vel stringente gelu, timeas fulmen. Ad metum absolute gravem revocatur metus reverentialis, quo quis sibi timet superiores graviter infensos et minantes. Quod si absint minae et gravis indignatio, potest dici levis, nisi forte respective ad filias-familias, quibus est genium meticulosum.*

3 **I say 1°**: Things done out of fear are mixed of the voluntary and the involuntary[1].

1 Here q. 6, a. 4, c.

> ***Dico 1°** : Quae fiunt ex metu, sunt mixta ex voluntario et involuntario[1].*
>
> *1 Hic q. 6, a. 4, c.*

4 *It is proved* of the conclusion. Things done out of fear, considered in themselves, are not voluntary; nay, thus they are involuntary; but they are made voluntary and willed out of fear, namely in order to avoid the evil that is feared. This whole matter is clear in the common example. The merchant, considering his goods in themselves, setting aside the peril of shipwreck, would not wish to cast them overboard; but a tempest having arisen and the peril of death being imminent, he wills to cast them overboard. *Therefore.*

> Prob. *conclusio. Ea quae fiunt ex metu, secundum se considerata, non sunt voluntaria, imo sic sunt involuntaria; fiunt autem voluntaria et volita ex metu, ad vitandum scilicet malum quod timetur. Hoc totum patet in vulgari exemplo.*

Mercator, considerando merces secundum se, secluso periculo naufragii, nollet eas projicere; orta autem tempestate et instante periculo mortis, vult eas projicere. Ergo.

5 **I say 2°**: Things done out of fear are voluntary simply, and involuntary secundum quid[2].

2 Ibid.

***Dico 2°** : Quae fiunt ex metu, sunt voluntaria simpliciter, et involuntaria secundum quid[2].*

2 *Ibid.*

6 *It is proved.* That which is voluntary here and now, all circumstances weighed, and involuntary only considered in itself and prescinded from here and now, or from the individuating circumstances, is voluntary simply and involuntary secundum quid. But what is done out of fear is voluntary here and now, all circumstances attended to, and involuntary only considered in itself and prescinded from the circumstances. *Therefore.* — The min. is clear in the casting of goods into the sea out of fear of shipwreck.

Probatur. *Illud quod est voluntarium hic et nunc, ponderatis omnibus circumstantiis, et involuntarium tantum secundum se consideratum et praecisum ab hic et nunc, seu a circumstantiis individuantibus, est voluntarium simpliciter et involuntarium secundum quid. Atqui quod fit ex metu, est voluntarium hic et nunc, attentis omnibus circumstantiis, et involuntarium tantum secundum se consideratum et praecisum a circumstantiis. Ergo. — Min. patet in projectione mercium in mare, metu naufragii.*

7 *It is confirmed.* What is done out of fear is willed absolutely and efficaciously, and not-willed inefficaciously and conditionately only: so the merchant, the tempest pressing in, wills absolutely and efficaciously to cast overboard his goods, which he would not will to cast overboard were the tempest absent. But what is willed absolutely and efficaciously, and not-willed inefficaciously and conditionately only, is voluntary simply and involuntary secundum quid. *Therefore.*

Confirmatur. *Quod fit ex metu, est volitum absolute et efficaciter, et nolitum inefficaciter et conditionate tantum : sic mercator, ingruente tempestate, vult absolute et efficaciter projicere merces, quas nollet projicere, si abesset tempestas. Atqui quod est volitum absolute et efficaciter, nolitum inefficaciter et conditionate tantum, est voluntarium simpliciter, et involuntarium secundum quid. Ergo.*

8 From what has been said you will gather, 1° that contracts entered into out of grave fear are valid by natural law. Some, however, are invalidated by positive law: concerning which when we treat of contracts.

Ex dictis colliges, 1° contractus initos ex gravi metu esse jure naturae validos. Quidam tamen irritantur jure positivo : de quo dum de contractibus.

9 You will gather 2° that grave fear does not excuse from the whole sin in those things which are intrinsically and immutably evil, or, as is said, forbidden because evil, because they remain voluntary simply. Hence he who out of fear of death denies the faith, commits perjury, fornicates, etc., sins mortally. It does excuse, however, from so much of the sin, and the more so the graver the fear, because it diminishes the voluntary.

Colliges 2° metum gravem in iis quae sunt intrinsece et invariabiliter mala, seu, ut dicitur, prohibita quia mala, non excusare a toto peccato, quia remanent simpliciter voluntaria. Hinc qui metu mortis fidem negat, perjurat, fornicatur, etc., peccat mortaliter. Excusat tamen a tanto, et eo magis quo gravior est metus, quia minuit voluntarium.

10 But in those things which are not intrinsically evil, but evil because forbidden, grave fear regularly excuses from the whole, not because they are not voluntary simply, but because positive laws, whether divine or human, by the intention of their legislators do not oblige regularly with so great a loss. Whence works of this kind, which are evil only by reason of the law, the obligation of the law ceasing, cease to be evil. Hence he who out of fear of death or of grave infamy, or of another grave evil, did not fast in Lent, or did not hear Mass on a feast day, etc., would not sin.

> *In his vero quae non sunt intrinsece mala, sed mala quia prohibita, metus gravis regulariter excusat a toto, non quod non sint simpliciter voluntaria, sed quia leges positivae, sive divinae, sive humanae, ex intentione suorum legislatorum non obligant regulariter cum tanto dispendio. Unde hujusmodi opera quae non sunt mala nisi ratione legis, cessante obligatione legis, cessant esse mala. Hinc qui metu mortis vel gravis infamiae, aut alterius gravis mali, non jejunaret in Quadragesima, non audiret sacrum die festo, etc., non peccaret.*

11 I said, « regularly, » because sometimes positive laws, whether divine or human, oblige even with loss of life: 1° when that which the law commands is of such moment that in the judgment of prudent men it outweighs the life of a particular individual. It is clear in the soldier commanded not to abandon his post, or to break upon the enemy with evident peril of death. 2° When transgression of the law would redound to contempt of religion or of ecclesiastical authority, as happened to the Machabees, whom tyrants threatened with death unless they ate swine's flesh in contempt of the law; since it is better that the law, the faith, or religion be not despised than that the life of one private person be preserved. But of these specially when we treat of Laws.

> *Dixi, « regulariter, » quia quandoque leges positivae, sive divina sive humanae, obligant etiam cum dispendio vitae : 1° quando id quod lex praecipit est tanti momenti, ut judicio prudentum praeponderet vitae unius particularis. Patet in milite cui praeceptum est non deserere stationem, seu irrumpere in hostem cum evidenti mortis periculo. 2° Quando transgressio legis cederet in contemptum religionis aut potestatis ecclesiastica, ut accidit Machabaeis, quibus tyranni comminabantur mortem, nisi manducarent carnem porcinam in contemptum legis; quia praestat non contemni legem, fidem, aut religionem, quam conservari vitam unius privati. Sed de his specialiter dum de Legibus.*

Whether concupiscence causes the involuntary?

1 **I say** 1°: Antecedent concupiscence rather causes a thing to be voluntary than involuntary[1]. For a thing is said to be voluntary from the fact that the will is borne toward it. But through concupiscence the will is inclined to will what concupiscence desires. Therefore concupiscence contributes more to making a thing voluntary than involuntary.

1 Here q. 7, a. 4, c.

> ***Dico 1°** : Concupiscentia antecedens potius causat voluntarium, quam involuntarium[1]. Quia aliquid dicitur voluntarium, ex eo quod voluntas in id fertur. Atqui per concupiscentiam voluntas inclinatur ad volendum id quod appetit concupiscentia. Ergo concupiscentia potius facit ad hoc quod aliquid sit voluntarium, quam involuntarium.*
>
> *1 Hic q. 7, a. 4, c.*

2 **I say** 2°: Antecedent concupiscence increases absolute voluntariness, and diminishes perfect and free voluntariness.

> ***Dico 2°** : Concupiscentia antecedens auget voluntarium absolutum, minuit perfectum et liberum.*

3 The first part is *proved*. Absolute voluntariness is that which proceeds from an intrinsic principle with knowledge of the end materially, such as belongs to brutes. But antecedent concupiscence

causes the will, with prior knowledge of the end materially, to be borne toward the object with greater force and inclination than if there were no concupiscence. Therefore. — The minor is *proved*: 1° By reason; for, concupiscence impelling, the intellect proposes to the will the object as more desirable, and therefore to be pursued with greater efficacy. 2° By experience; for we see that those who pursue an object with love are carried toward it with greater force than if they were not affected by this passion. Therefore.

> Probatur *prima pars. Voluntarium absolutum est quod procedit a principio intrinseco cum cognitione finis materialiter, quale competit brutis. Atqui concupiscentia antecedens facit quod voluntas, praevia cognitione finis materialiter, feratur in objectum majori impetu et inclinatione quam si non esset concupiscentia. Ergo.* — Prob. *min. 1° Ratione; quia, impellente concupiscentia, intellectus proponit voluntati objectum ut magis concupiscibile, ideoque majori efficacia prosequendum. 2° Experientia; videmus enim eos qui amore aliquod objectum prosequuntur, majori impetu in illud ferri, quam si haec passione non afficerentur. Ergo.*

4 The second part is *proved*. Perfect voluntariness is that which proceeds from an intrinsic principle with knowledge of the end formally as end, that is, with knowledge of the dignity of the end and of the proportion of the means to it. But concupiscence diminishes, nay sometimes takes away this knowledge. Therefore. — The minor is *proved*. For it diminishes the judgment of reason, nay sometimes destroys it and causes madness, as experience shows. But knowledge of the end formally as end pertains to the judgment of reason. Therefore.

> Probatur *secunda pars. Voluntarium perfectum est quod procedit a principio intrinseco cum cognitione finis formaliter ut finis, id est cum cognitione dignitatis finis et proportionis mediorum ad illum. Atqui concupiscentia minuit, imo quandoque tollit hanc cognitionem. Ergo.* — Prob. *min. Quia minuit judicium rationis, imo quandoque tollit et amentiam causat, ut experientia constat. Atqui cognitio finis formaliter ut finis pertinet ad judicium rationis. Ergo.*

5 The third part is *proved*. Free voluntariness is that which proceeds from an intrinsic principle with knowledge of the end under indifference concerning the thing proposed. But antecedent concupiscence diminishes this indifference. Therefore. — The minor is *proved*: 1° Because it diminishes the judgment of reason, as I was just saying. 2° Because concupiscence causes the intellect to propose to the will, in pursuing the object, all the aspects of the desirable and deficient good, and to attend less to the aspects of the honest good by which the will would be withdrawn from that object. Therefore it diminishes indifference.

> Probatur *tertia pars. Voluntarium liberum est quod procedit a principio intrinseco cum cognitione finis sub indifferentia propositi. Atqui concupiscentia antecedens minuit hanc indifferentiam. Ergo.* — Prob. *min. 1° Quia minuit judicium rationis, ut modo dicebam. 2° Quia concupiscentia facit quod intellectus proponat voluntati in objecto prosequendo omnes rationes boni concupiscibilis et defectibilis, et minus attendat ad rationes boni honesti quibus ab illo objecto removeretur voluntas. Ergo minuit indifferentiam.*

6 Hence you will infer that antecedent concupiscence diminishes sin, insofar as it disturbs the judgment and diminishes liberty, nay sometimes exempts from all sin, when it is so violent that it altogether takes away the judgment of reason and indifference, and renders one mad.

> *Hinc inferes, concupiscentiam antecedentem minuere peccatum, quatenus turbat judicium et minuit liberum, imo quandoque eximere a toto peccato, quando ita est vehemens, ut tollat omnino judicium rationis et indifferentiam, atque amentem reddat.*

Whether ignorance causes the involuntary?

1 Ignorance on the part of the will is divided into ignorance antecedent, concomitant and consequent[1] : and of ignorance taken in this sense the question is here. Antecedent ignorance is that which precedes every act of the will, so that it is not at all willed or voluntary; it is nevertheless the cause of willing or doing what would not be done if knowledge were present: as in one who, with sufficient diligence used, kills a friend, thinking invincibly that he was killing a stag, whom he would not have killed had he known him to be a friend. It is also called invincible. Yet antecedent and invincible ignorance do not coincide, for antecedent, as here taken, adds over and above simply invincible ignorance that it be the cause why something is done which would not be done were it absent; which does not belong to every invincible ignorance, as is clear in concomitant ignorance, which, as I shall say presently, is invincible, and yet not antecedent. Whence every antecedent ignorance is invincible, but not conversely.

1 Here q. 8, a. 4, c.

> *Ignorantia ex parte voluntatis dividitur in ignorantiam antecedentem, concomitantem et consequentem[1] : et de ignorantia hoc sensu sumpta hic est quaestio. Ignorantia antecedens est quae praecedit omnem actum voluntatis, ita ut nullatenus sit volita seu voluntaria, est tamen causa volendi seu faciendi id quod non fieret, si scientia adesset : ut in eo qui, adhibita sufficienti diligentia, occidit amicum, putans invincibiliter occidere cervum, quem non occidisset, si scivisset esse amicum. Dicitur etiam invincibilis. Non tamen coincidunt ignorantia antecedens et invincibilis, addit enim antecedens, prout hic sumitur, supra invincibilem simpliciter, quod sit causa cur aliquid fiat, quod non fieret, si abesset; quod non competit omni ignorantiae invincibili, ut patet in ignorantia concomitante, quae, ut modo dicam, est invincibilis, et tamen non antecedens. Unde omnis ignorantia antecedens est invincibilis, sed non e contra.*
>
> 1 *Hic q. 8, a. 4, c.*

2 Concomitant ignorance is that which also precedes every act of the will, nor is it at all willed, and therefore invincible, like the antecedent, but it is not the cause of willing or doing what would not be done if knowledge were present. It is clear in one who killed an enemy, thinking invincibly that he was killing a stag, whom he would just the same have killed had he known him to be an enemy.

> *Ignorantia concomitans est quae etiam praecedit omnem actum voluntatis, neque est ullatenus volita, et ideo invincibilis, ut antecedens, sed non est causa volendi aut faciendi id quod non fieret, si scientia adesset. Patet in eo qui occidit inimicum, putans invincibiliter occidere cervum, quem perinde occidisset, si scivisset esse inimicum.*

3 Consequent ignorance is that which follows an act of the will, so that it is willed either directly or indirectly, and it is the cause why something is done which would not be done were it absent. That which is directly willed is called affected, as when someone directly and positively wills to be ignorant of something, whether that he may sin more freely, or that he may have an excuse in sins, or on account of something else; of this is understood that *Job*, XXI, 14 : *The wicked said to God: Depart from us, and we will not the knowledge of thy ways.* And that *Psal.*, XXXV, 4 : *He would not understand that he might do well.* Indirectly willed it is, when someone, although he does not will directly and positively to be ignorant, yet neglects to learn; whence this ignorance is called voluntary or willed indirectly and in its cause, namely negligence of learning. Which negligence, if it be grave, such that either none or only very slight diligence was used according to the quality of the matter, the ignorance is called crass and supine; but if the negligence be slight, such that notable diligence was used in learning, yet not wholly sufficient, the ignorance is called light or lightest, according to the quantity of diligence used in learning, respectively to the quality of the thing to be learned. These things noted,

Ignorantia consequens est quae sequitur actum voluntatis, ita ut sit volita vel directe vel indirecte, estque causa cur aliquid fiat quod non fieret, si abesset. Quae est directe volita, dicitur affectata, ut cum quis directe et positive vult aliquid ignorare, sive ut liberius peccet, sive ut excusationem habeat in peccatis, sive propter aliud, de quo intelligitur illud Job*, XXI, 14 :* Impi dixerunt Deo : Recede a nobis, et scientiam viarum tuarum nolumus. *Et illud* Psal.*, XXXV, 4 :* Noluit intelligere ut bene ageret. *Indirecte volita est, dum quis, licet non velit directe et positive ignorare, negligit tamen addiscere; unde haec ignorantia dicitur voluntaria seu volita indirecte et in sua causa, scilicet negligentia addiscendi. Quae negligentia, si fuerit gravis, ita ut vel nulla vel levis admodum diligentia pro rei qualitate adhibita fuerit, dicitur ignorantia crassa et supina; si vero negligentia fuerit levis, ita ut fuerit adhibita diligentia notabilis in discendo, non tamen omnino sufficiens, ignorantia dicitur levis aut levissima, pro quantitate diligentiae adhibita in discendo, respective ad qualitatem rei addiscendae. His notatis,*

4 **I say 1°** : Antecedent ignorance causes the involuntary simply[1]; because the work proceeding from it is done without cognition, and is, as to the circumstance ignored, against the inclination, whether actual, or habitual and interpretative, of the agent; for he would not will to do it if the ignorance were absent. It is clear in him who, sufficient diligence being used, thinking invincibly that he was killing a stag, killed a friend. For although this killing, as to the substance of the act, and as it is a killing as such, be voluntary, yet not inasmuch as it is the killing of a friend; under that reason indeed it repugns the inclination of the slayer, and is done without cognition.

1 Ibid.

***Dico 1°** : Ignorantia antecedens causat involuntarium simpliciter[1]; quia opus ex illa procedens fit sine cognitione, et est, quoad circumstantiam ignoratam, contra inclinationem vel actualem, vel habitualem et interpretativam agentis; non enim vellet facere, si ignorantia abesset. Patet in illo qui, sufficienti diligentia adhibita, putans invincibiliter occidere cervum, occidit amicum. Quamvis enim haec occisio, quoad substantiam actus, et ut est occisio ut sic, sit voluntaria, non tamen quatenus est occisio amici; sub ea enim ratione repugnat inclinationi occidentis, et fit sine cognitione.*

1 Ibid.

5 **I say 2°** : Concomitant ignorance does not make the voluntary simply; because the work proceeding from it is done without cognition, or with an ignorance which is neither voluntary in itself nor in its cause, since it is invincible. Nor does it make the involuntary positively and contrarily; because this work is not against the inclination of the agent, for it would be done just the same if cognition were present. But it makes the involuntary negatively, or not voluntary; because it is done without the cognition required for the voluntary. It is clear in him who, thinking invincibly that he was killing a beast, killed an enemy, whom he would just the same have killed had he known him.

***Dico 2°** : Ignorantia concomitans non facit voluntarium simpliciter; quia opus ex illa procedens fit sine cognitione, seu cum ignorantia quae nec in se nec in sua causa est voluntaria, cum sit invincibilis. Neque facit involuntarium positive et contrarie; quia istud opus non est contra inclinationem agentis, perinde enim fieret, si cognitio adesset. Sed facit involuntarium negative, seu non voluntarium; quia fit sine cognitione requisita ad voluntarium. Patet in eo qui, putans invincibiliter occidere feram, occidit hostem, quem perinde occidisset, si cognovisset.*

6 **I say 3°** : Consequent ignorance causes the voluntary simply, because it itself is simply voluntary, whether directly in itself, or indirectly in its cause, namely negligence of learning. Therefore the work proceeding from it is voluntary simply; for he who wills the cause wills also the effect. If you say that it is done without cognition, I answer that it is done indeed without formal cognition and in itself, yet not without virtual cognition and in its cause, namely in the ignorance which could and ought to have been driven away. He however is said to know virtually who could and ought to have known and

would not. Yet it causes the involuntary secundum quid; because the work following from it is against some sort of inclination of the agent, for if knowledge were present, it would not be done, as is supposed. But if you suppose the ignorance to be so affected that, were it absent, the work would nonetheless be done; as if, e.g., someone rejects knowledge, not that with it present he may abstain from sin, but that he may sin without remorse: I confess that then it will not be involuntary secundum quid, but also neither will it be consequent ignorance in the sense of the conclusion, which is precisely that it be the cause why that is done which would not be done were it absent.

> ***Dico 3°** : Ignorantia consequens causat voluntarium simpliciter, quia ipsa est simpliciter voluntaria, sive directe in se, sive indirecte in causa, scilicet negligentia discendi. Ergo opus ab ea procedens est voluntarium simpliciter; qui vult enim causam, vult et effectum. Si dicas quod fiat sine cognitione, respondeo quod fiat quidem sine cognitione formali et in se, non tamen sine cognitione virtuali et in sua causa, nempe in ignorantia quae potuisset et debuisset depelli. Ille autem dicitur virtualiter cognoscere, qui potuit et debuit cognoscere et noluit. Causat tamen involuntarium secundum quid; quia opus ex ea sequens est contra aliqualem inclinationem agentis, si enim adesset scientia, non fieret, ut supponitur. Quod si supponas ita esse affectatam ignorantiam, ut, si abesset, opus nihilominus fieret; ut si, v. g., quis ita scientiam repudiet, non ut ea praesente a peccato abstineat, sed ut sine remorsu peccet : fateor quod tunc non erit involuntarium secundum quid, sed etiam non erit ignorantia consequens ad sensum conclusionis, quae nempe sit causa cur fiat id quod non fieret, si abesset.*

7 From what has been said you will gather that antecedent ignorance altogether excuses from sin, because it causes the involuntary simply: but concomitant does not altogether excuse, because it does not take away all willingness, whether habitual or actual conditioned to sinning; nor yet accuse, because it is involuntary and invincible. Whence, in the case posited, he who kills an enemy, thinking invincibly that he kills a beast, remains always guilty of internal homicide, on account of the evil will of killing the enemy, if he knew him; he is nevertheless excused from external homicide and from the punishments and censures, which are inflicted only on account of the external work, because the external work is not voluntary. Consequent however causes sin, because it causes the voluntary simply; it diminishes nevertheless, because it causes the involuntary secundum quid, and the lighter it is the more it diminishes, so that sometimes it makes venial out of mortal.

> *Ex dictis colliges, ignorantiam antecedentem omnino excusare a peccato, quia causat involuntarium simpliciter : concomitantem vero non omnino excusare, quia non tollit omnem voluntatem sive habitualem, sive actualem conditionatam peccandi; neque etiam accusare, quia est involuntaria et invincibilis. Unde, in casu posito, qui occidit inimicum, putáns invincibiliter occidere feram, manet semper reus homicidii interni, propter malam voluntatem occidendi inimicum, si cognovisset; excusatur tamen ab homicidio externo et a poenis ac censuris, quae non nisi propter opus externum feruntur, quia opus externum non est voluntarium. Consequens vero causat peccatum, quia causat voluntarium simpliciter; minuit tamen, quia causat involuntarium secundum quid, et eo magis minuit, quo levior fuerit, ita ut quandoque ex mortali faciat veniale.*

8 What I have said here of ignorance can be said of inadvertence, which is a kind of actual ignorance, or at least is equated to ignorance in ordine to the voluntary. Let these things suffice now on the present matter, for there will be further mention of it when treating of the causes of sins.

> *Quod hic dixi de ignorantia, potest dici de inadvertentia, quae est quaedam ignorantia actualis, aut saltem ignorantiae aequiparatur in ordine ad voluntarium. Haec de presenti materia nunc sufficiant, de ea namque redibit sermo, dum de causis peccatorum.*

On the Free Voluntary, or on Created Liberty

[1] St. Thomas, *I p.*, q. 83; q. 24 *de Veritate*; q. 6 *de Malo*, and elsewhere.

> *D. Thomas,* I p., *q. 83; q. 24* de Veritate*; q. 6* de Malo*, et alibi.*

Preliminary Notes

[1] Note 1° that among the various acceptations of liberty two especially are distinguished.

> *Nota 1° inter varias acceptiones libertatis duplicem potissimum distingui.*

[2] The first is liberty from violence or coercion, and it is called spontaneity or free inclination. It is found in all who act not compelled by external force, but from inclination, even though necessitating. With this liberty the blessed love God, and God loves himself. It extends even to brute animals, nay even to inanimate things. Thus water is said to flow spontaneously, the stone to descend downward of itself.

> *Prima est libertas a violentia seu coactione, et dicitur spontaneitas seu lubentia. Reperitur in omnibus qui non per vim extrinsecam compulsi, sed ex inclinatione, quamvis necessitante, agunt. Hac libertate beati amant Deum, Deus amat seipsum. Extenditur etiam ad bruta, quin imo et ad res inanimatas. Sic aqua dicitur sponte fluere, lapis sponte descendere deorsum.*

[3] The second liberty is from necessity, and it is immunity not only from coercion or violence, but also from natural instinct and determination to one thing without power toward the opposite : with which liberty he enjoys who can will or not will, will this or that. It is called the liberty of indifference, because it is toward opposites. And since indifference is twofold, namely as regards specification and exercise, so liberty from necessity is twofold, namely of specification and of exercise. Liberty of exercise, which is also called liberty of contradiction, is toward an act and its omission, whereby indeed one can act and not act, love and not love. Liberty of specification is toward acts specifically diverse, which acts, if they be contraries, as to love and to hate, to sit and to stand, is called liberty of contrariety; if they be disparate acts, as to pray or to study, it is called liberty of disparity. That the liberty of the will lies in this liberty from necessity we now suppose, and we shall prove below.

> *Secunda libertas est a necessitate, et est immunitas, non solum a coactione seu violentia, sed etiam a naturali instinctu et determinatione ad unum sine potentia ad oppositum : qua libertate gaudet qui potest velle vel non velle, hoc vel illud velle. Dicitur libertas indifferentiae, quia est ad opposita. Et cum sit duplex indifferentia, scilicet quoad specificationem et exercitium, ita est duplex libertas a necessitate, scilicet specificationis et exercitii. Libertas exercitii, quae etiam dicitur contradictionis, est ad actum et ejus omissionem, qua nempe potest quis agere et non agere, amare et non amare. Libertas specificationis est ad actus specie diversos, qui actus si sint contrarii, ut amare et odisse, sedere et stare, dicitur libertas contrarietatis; si sint actus disparati, ut orare vel studere, dicitur libertas disparitatis. In hac libertate a necessitate sitam esse libertatem arbitrii nunc supponimus, et infra probabimus.*

[4] Note 2° the various errors concerning free will. The Stoics denied it, from fate; the astrologers, from the influx of the stars; the Manichaeans, from a twofold soul, one good, the other evil, one of which necessarily coerced the other by this very fact that it prevailed; the Wiclefites, Lutherans and Calvinists, from original sin and from the force of necessitating grace; Baius and Jansenius[1], from the same principles.

[1] Baius said : « What is done voluntarily, although it be done necessarily, is nevertheless done freely. » This is his proposition 39, condemned by St. Pius V. « Only violence is repugnant to the liberty of man. » It is proposition 66. — Jansenius, lib. IV *de Statu naturae lapsae*, c. 24 : for Augustine « it is abundantly enough that the sinner... knowing and prudent, be borne into evil with full will, whether he can extricate himself from that necessity of loving the evil, or cannot. » He teaches the same in lib. IV *de Gratia Christi*, c. 9, that, « with carnal delectation prevailing, it is impossible that the consideration of virtue and honesty should prevail. » And he draws this also from that saying of St. Augustine which he repeats a thousand times and badly understands, in cap. v *Epist. ad Galat.* : « By what we are more delighted, according to that it behooves us to work, »

Nota 2° varios errores circa libertatem arbitrii. Hanc negarunt Stoici, ex fato; astrologi, ex influxu siderum; Manichaei, ex duplici anima, una bona, altera mala, quarum una alteram necessario compellebat hoc ipso quo praevalebat; Wiclefistae, Lutherani et Calvinistae, ex peccato originali et ex vi necessitantis gratiae; Baius et Jansenius[1], ex iisdem principiis.

[1] *Baius dixit : « Quod voluntarie fit, etsi necessario fiat, libere tamen fit. » Est ejus propositio 39, a S. Pio V damnata. « Sola violentia repugnat libertati hominis. » Est propositio 66. — Jansenius, lib. IV* de Statu naturae lapsae*, c. 24 : Augustino « abunde satis est quod peccator... sciens et prudens plena voluntate feratur in malum, sive ab ista diligendi mali necessitate se expedire possit, sive non possit. » Idem docet lib. IV* de Gratia Christi*, c. 9, quod, « vigente delectatione carnali, impossibile sit ut virtutis ac honestatis consideratio praevaleat. » Et hoc etiam deducit ex illo, quod millies repetit et male intelligit, S. Augustini effato, in cap. v* Epist. ad Galat. *: « Quod amplius nos delectat, secundum id operemur necesse est, »*

[5] As regards Jansenius, it must be observed that he admits verbatim a liberty of the will compatible with necessity. He says therefore that the liberty of the will, which he calls essential, is compatible with a necessity fixed, invariable and perpetual, which can vary in no circumstances, such as that by which God loves himself, by which the blessed love God. The liberty of the will as regards the present state of man wayfarer he says subsists with a necessity not fixed and invariable, but transitory and relative, which, the present circumstances standing, relatively to a superior opposing force cannot be overcome, although absolutely and in other circumstances it could be overcome. Whence the whole liberty of the will which Jansenius acknowledges in this state of fallen nature is nothing else than alternative necessity, or turnability from one necessity to another; because wayfarers are not immovably fixed in evil, like the damned, but flexible now toward good, now toward evil, according as celestial or earthly delectation prevails, yet always necessarily : in almost the manner in which a dog now fawns, now grows angry, yet always necessarily.

Quantum ad Jansenium, observandum est ipsum verbotenus admittere libertatem arbitrii, quae stet cum necessitate. Dicit itaque libertatem arbitrii, quam vocat essentialem, consistere cum necessitate fixa invariabili et perpetua, quae in nullis circumstantiis variari potest, qualis est ista qua Deus se diligit, qua beati amant Deum. Libertatem arbitrii quoad statum praesentem hominis viatoris dicit subsistere cum necessitate, non fixa et invariabili, sed transitoria et relativa, quae nempe stantibus praesentibus circumstantiis relative ad vim oppositam superiorem vinci non potest, licet absolute et in aliis circumstantiis vinci posset. Unde tota libertas arbitrii quam agnoscit Jansenius in hoc statu naturae lapsae, nihil est aliud quam necessitas alternativa, seu vertibilitas ab una ad aliam necessitatem; quia viatores non sunt immobiliter fixi in malo, sicut damnati, sed flexibiles modo in bonum, modo in malum, secundum quod praevalet delectatio coelestis aut terrestris, semper tamen necessario : eo ferme modo quo canis modo blanditur, modo irascitur, semper tamen necessario.

[6] [1]

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and prudent, be borne into evil with full will, whether he can extricate himself from that necessity of loving the evil, or cannot. » He teaches the same in lib. IV *de Gratia Christi*, c. 9, that, « with carnal delectation prevailing, it is impossible that the consideration of virtue and honesty should prevail. » And he draws this also from that saying of St. Augustine which he repeats a thousand times and badly understands, in cap. v *Epist. ad Galat.* : « By what we are more delighted, according to that it behooves us to work, »

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7 On the other hand the Pelagians erred concerning free will, extolling it too much. They said 1° that it avails toward good just as toward evil without the grace of God; 2° that it cannot stand together with the necessity of preventing grace; 3° that Jesus was in no way touched by the sin of Adam, which they denied was transmitted to posterity; but that, placed as it were in equilibrium, he had equal indifference and facility either toward good or toward evil, as in the state of innocence; 4° they wished the power of sinning to belong to the essence of liberty.

Ex adverso Pelagiani erraverunt circa libertatem arbitrii, nimium illud extollendo. Dicebant 1° ipsum valere ad bonum sicut ad malum sine gratia Dei; 2° stare non posse cum necessitate gratiae pravenientis; 3° in nullo fuisse Iesum per peccatum Adae, quod negabant traduci in posteros; sed veluti in aequilibrio positum parem habere indifferentiam et facilitatem, sive ad bonum, sive ad malum, ac in statu innocentiae; 4° volebant potentiam peccandi pertinere ad essentiam libertatis.

8 *Note* 3° that there is a twofold root of liberty, one external, the other intrinsic. The intrinsic root of liberty is the supreme efficacy of the divine will[1] ; because, since God is the most universal cause of all being and all its modes, and the liberty of the will, both potential and actual, is one of its modes and perfections, as well as of all its actions, it plainly follows that liberty flows from the efficacy of the divine will, as from an external root.

1 Ia p., q. 19, a. 8, c.

Nota 3° *duplicem esse radicem libertatis, unam extrinsecam, aliam intrinsecam. Radix intrinseca libertatis est summa efficacia divinae voluntatis[1]; quia, cum Deus sit causa universalissima totius entis et omnium ejus modorum, et libertas tam potentialis quam actualis arbitrii sit ejus modus et perfectio, atque omnium ejus actionum, plane sequitur quod ab efficacia divina voluntatis, tanquam a radice extrinseca, profluat.*

1 1. p., q. 19, a. 8, c.

9 The intrinsic root of liberty is threefold. The first and remote is the very condition of intellectual nature[2] , which, on account of its immateriality, obtains that capacity that, without alteration of itself, it can receive within itself the forms of all things and become all things in intentional being. Hence follows the universality of the intellect, by which it can know all things, search them out, examine them, turn itself in all directions, judge of them what is to be fled, what pursued, likewise reflect upon its own judgment above itself, amend it, change it and reprove it. And this is the second intrinsic root of liberty. Now upon this universal intellectual form follows the inclination of like condition, namely the will capable of every universal and infinite good, and its eminence above all

particular goods. And this is the third and proximate root of liberty; for from it there results in the will dominion over its own acts, and the right of disposing of them at a nod, in which formally consists the liberty of the will.

[2] Ia p., q. 14, a. 1, c ; q. 82, a. 2, c ; q. 24 de Verit., a. 2 ; q. 6 de Malo, a. unico, and elsewhere.

> *Radix libertatis intrinseca est triplex. Prima et remota est ipsa conditio naturae intellectualis[2], quae, ob suam immaterialitatem, eam obtinet capacitatem ut, absque sui alteratione, possit omnium formas in se recipere et fieri omnia in esse intentionali. Hinc sequitur universalitas intellectus, qua potest omnia cognoscere, scrutari, rimari, et in omnes partes vertere, de iisque judicare quae fugienda, quae prosequenda, item supra ipsum judicium reflectere, illud emendare, mutare et reprobare. Et haec est secunda radix intrinseca libertatis. Hanc autem formam universalem intellectualem sequitur inclinatio paris conditionis, scilicet voluntas capax omnis universalis et infiniti boni, ejusque eminentia super omnia bona particularia. Et haec est tertia et proxima radix libertatis; inde enim resultat in voluntate dominium super suos actus, ac jus disponendi de illis ad nutum, in quo consistit formaliter libertas arbitrii.*
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> [2] *1. p., q. 14, a. 1, c; q. 82, a. 2, c; q. 24 de Verit., a. 2; q. 6 de Malo, a. unico, et alibi.*

[10] *Note* 4° that among the various definitions of liberty which St. Thomas hands down, the following is more frequently used by him, and is the best[1] , namely : « The elective power of means, the order of the end being preserved. »

[1] Ia p., q. 62, a. 8, ad 3 and q. 83, a. 4, c, and elsewhere.

> Nota *4° inter varias libertatis definitiones quas tradit S. Thomas sequentem ab ipso frequentius usurpari, et esse optimam[1], scilicet : « Vis electiva mediorum, servato ordine finis. »*
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> [1] *1. p., q. 62, a. 8, ad 3 et q. 83, a. 4, c, et alibi.*

[11] It is explained. It is called power, that is, faculty or active potency. It is called elective power, because from this we are said to have free will, that we can take one thing, another refused; which is to choose. It is called elective power of means, because election properly is not about the end as end[2] , but only about means; because election, in things doable, stands to them as conclusion stands in things speculative, and the end as principle; whence, as conclusion is not about principles, but about their consequences, so election is not about the end, but about the means to it. I said, « about the end as end; » because, as in speculative matters nothing hinders what is the principle of one demonstration from being the conclusion of another demonstration (yet the first principle among demonstrables cannot be the conclusion of another demonstration), so also it happens that what is as end in one operation is ordered to something else as to an end, and in this way the end falls under election : thus, in the operation of a physician, health stands as end, whence it does not fall under the physician's election, but he supposes it as principle; but bodily health is ordered to the good of the soul, whence for him who has care of the salvation of the soul, being healthy or being sick can fall under election. But the last end falls under election in no way, because it cannot be ordered to anything else.

[2] Here q. 13, a. 3, c.

> *Explicatur. Dicitur vis, id est facultas seu potentia activa. Dicitur vis electiva, quia ex hoc liberi arbitrii esse dicimur, quod possumus unum accipere, alio recusato; quod est eligere. Dicitur vis electiva mediorum, quia electio proprie non est de fine ut finis est[2], sed de mediis tantum; quia electio, in operabilibus, se habet ut conclusio in speculabilibus, et finis sicut principium; unde, sicut non est conclusio de principiis, sed de consequentibus ad illa, ita electio non est de fine, sed de mediis ad illum. Dixi, « de fine, ut finis est; » quia, sicut in speculativis nihil prohibet id quod est unius*

demonstrationis principium esse conclusionem alterius demonstrationis (primum tamen principium in demonstrabilibus non potest esse conclusio alterius demonstrationis), ita etiam contingit id quod est in una operatione ut finis, ordinari ad aliquid aliud ut ad finem, et hoc modo finis cadit sub electione : sicut, in operatione medici, sanitas se habet ut finis, unde hoc non cadit sub electione medici, sed hoc supponit tanquam principium; sed sanitas corporis ad bonum animae ordinatur, unde apud eum qui habet curam de animae salute, potest sub electione cadere esse sanum, vel esse infirmum. Sed ultimus finis nullo modo sub electione cadit, quia non potest ordinari ad aliud.

[2] *Hic q. 13, a. 3, c.*

12 It is called, the order of the end being preserved ; because free will stands to choosing those things that are toward the end as intellect stands to the conclusion. But it is manifest that it pertains to the power of the intellect that it can proceed into various conclusions according to given principles; but that it proceed into some conclusion passing over the order of principles, this is from its defect. Similarly therefore, that free will can choose various things while preserving the order of the end, this pertains to the perfection of liberty; but that it choose something turning aside from the order of the end, this pertains to the defect of liberty. Whence the liberty of the will is greater and more perfect in God, in Christ and in the angels, who cannot sin, than in us, who can sin. And hence already it is clear that the power of sinning is not of the essence of liberty, but is its blemish : of which again below.

Dicitur, servato ordine finis ; quia liberum arbitrium sic se habet ad eligendum ea quae sunt ad finem, sicut se habet intellectus ad conclusionem. Manifestum est autem quod ad virtutem intellectus pertinet, ut in diversas conclusiones procedere possit secundum principia data; sed quod in aliquam conclusionem procedat praetermittendo ordinem principiorum, hoc est ex defectu ipsius. Similiter ergo, quod liberum arbitrium diversa eligere possit servato ordine finis, hoc pertinet ad perfectionem libertatis; sed quod eligat aliquid divertendo ab ordine finis, hoc pertinet ad defectum libertatis. Unde major et perfectior est libertas arbitrii in Deo, Christo et angelis, qui peccare non possunt, quam in nobis, qui peccare possumus. Et hinc jam patet, potentiam peccandi non esse de essentia libertatis, sed esse ejus naevum : de quo iterum infra.

13 The other definition, now very commonly circulated, of liberty, is namely : « The faculty by which, all prerequisites for acting being posited, one can act or not act. » Truly that definition is ambiguous, and put forward by those who reject physical premotions. If then it be understood of the requisites temporally prior to acting, we admit it, both in the composite and divided sense, both of consequent and antecedent potency. But if it be understood of the requisites naturally prior only to acting, we do not admit it except in the divided sense and of antecedent potency for not acting; because, in this very instant in which the requisites for acting exist naturally only, there is action, and so with requisites of this kind for acting there remains indeed a potency for not acting, but it cannot conjoin non-act with them. Whence, according to this sense, it is improperly said in the definition, « by which one can act or not act », but it ought to be said, ibid. « which actually acts with the potency of not acting. »

Altera et nunc valde communis circumfertur definitio libertatis, scilicet : « Facultas qua, positis omnibus ad agendum praerequisitis, potest agere vel non agere. » Verum ista definitio est ambigua et ab eis prolata qui rejiciunt praemotiones physicas. Si itaque intelligatur de requisitis tempore ad agendum, eam admittimus, tam in sensu composito quam diviso, tam de potentia consequente quam antecedente. Si vero intelligatur de requisitis natura tantum ad agendum, eam non admittimus, nisi in sensu diviso et de potentia non agendi antecedente; quia, hoc ipso instanti quo sunt requisita tantum natura ad agendum, est actio, sicque cum hujusmodi requisitis ad agendum remanet quidem potentia ad non agendum,

non tamen conjugendi non actum cum illis. Unde, juxta hunc sensum, improprie dicitur in definitione, « qua potest agere vel non agere » sed debet dici, ibid. « quae actu agit cum potentia non agendi. »

14 Therefore R. P. Franciscus Henno was gravely hallucinated when, tract. de Principiis actuum humanorum, q. 3, he wrote that Thomists teach a physical premotion, « while it stands, non-action cannot be, unless in the divided sense of premotion, that is, premotion taken away, » and similar things. This doctrine is Calvinian, not Thomistic. For the Thomists teach that, the premotion to act standing, and in the composite sense of premotion, there remains a complete and expedite potency for non-act, because premotion supposes on both sides the complete potency, and holds itself only on the side of second act.

Graviter igitur hallucinatus est R. P. Franciscus Henno, dum, tract. de Principiis actuum humanorum, q. 3, scripsit Thomistas docere praemotionem physicam, « qua stante, non possit esse non actio, nisi in sensu diviso praemotionis, id est, ablata praemotione, » et similia. Haec doctrina est Calviniana, non Thomistica. Docent namque Thomistae, stante praemotione ad actum et in sensu composito praemotionis, manere potentiam completam et expeditam ad non actum, quia praemotio supponit utrinque potentiam completam, et se tenet dumtaxat ex parte actus secundi.

15 *Note* 5° that it does not pertain to free will to be the first determiner.

Nota *5° non pertinere ad liberum arbitrium ut sit primum determinans.*

16 It is evident, first, from the nature of created being, to which dependence both in being and in operating upon uncreated being is so essential that it can by no reason be torn from it; since indeed the character of created being cannot be conceived, nor any of its perfections, which does not arise from God and depend upon him. Whence God is called not only first being, but first cause, first principle, first mover, first determiner, first free; because, as no being exists except participated from him, so no cause, no mover, no determiner, no free agent, except subordinated to him. And as, if there were some being not participated from him, it would cease to be first being; so, if the will were the first mover and determiner of itself, it would cease to be first cause, first principle, first mover, first free, and a creature would be adorned with these prerogatives, and would become as it were another God; for first is said of that which supposes no other prior.

Constat, primo, ex natura entis creati, cui dependentia tam in esse quam in operari ab ente increato ita est essentialis, ut nulla ratione ab ipso avelli possit; si quidem concipi non possit ratio entis creati, aut ulla ejus perfectio, quae a Deo non oriatur et dependeat. Unde Deus dicitur, non solum primum ens, sed prima causa, primum principium, primum movens, primum determinans, primum liberum; quia, sicut nullum est ens, nisi ab eo participatum, ita nulla causa, nullum movens, nullum determinans, nullum liberum, nisi ipsi subordinatum. Et sicut, si esset aliquod ens ab ipso non participatum, desineret esse primum ens; sic, si voluntas esset primum sui movens et determinans, desineret esse prima causa, primum principium, primum movens, primum liberum, et creatura his praerogativis decoraretur, fieretque quasi alter Deus; primum enim dicitur, quod alterum prius non supponit.

17 Neither say you, with the adversaries, that although the will determined itself first, it would not therefore be the first cause and first principle; because the character of first cause and first principle requires not only that it be not moved by another, but also that it be from itself. This character indeed St. Thomas attacks as false in II Sentent., dist. 37, q. 2, a. 2, c. Because, he says, « it seems unfitting that what has not being from itself can act from itself...; for all power proceeds from essence, and operation from power. Whence whose essence is from another, his power and operation must be from another. » He adds : « Besides, although by this answer it were avoided that it not be

simply first, still it could not be avoided that it be the first agent, if its action were not reduced to some prior agent, as to cause. »

Neque dicas, cum adversariis, voluntatem quamvis primo se determinaret, non ideo fore primam causam et primum principium; quia ratio prima causae et primi principii exigit, non solum quod ab altero non moveatur, sed etiam quod sit a se. Hanc enim rationem tamquam falsam impugnat S. Thomas in II Sentent., dist. 37, q. 2, a. 2, c. Quia, inquit, « inconveniens videtur ut quod a se esse non habet, a se agere possit…; quia omnis virtus ab essentia procedit, et operatio a virtute. Unde cujus essentia ab alio est, oportet quod virtus et operatio sit ab alio. » Addit : « Praeterea, quamvis per hanc responsionem vitaretur quod non esset primum simpliciter, non posset tamen vitari quin esset primum agens, si ejus actio in aliquod prius agens non reduceretur, sicut in causam. »

18 It is evident, secondly, from observation, because nothing forbids the will to be first moved and determined by God, if under that motion of God it also moves and determines itself, and so preserves its liberty, and the character of praise and merit. For the adversaries deny that the will is first determined by God for no other reason than that they think, under that determination, the will does not move and determine itself, but is so determined to one that the opposite is not possible, and so is despoiled of its liberty. But it is thus that under the determination of God the will itself moves and determines itself. For to what purpose is given that motion and determination of God? Certainly not that the will do nothing, but that it act in a manner consonant to itself, that is, freely, so that it can act and not act. Whence the divine motion and determination not only does not prevent the will from moving and determining itself, but rather effects this very thing, that under that motion and determination it moves and determines itself. Therefore.

Constat secundo observatione, quia nihil vetat voluntatem a Deo primo moveri et determinari, si ipsa sub ista Dei motione se etiam moveat atque determinet, sicque suam libertatem servet, et rationem laudis et meriti. Non enim alia ratione adversarii negant voluntatem a Deo primum determinari, quam quia putant, sub ea determinatione voluntatem non se movere ac determinare, sed ita determinari ad unum, ut non possit oppositum, sicque sua libertate spoliari. Atqui sic est quod sub Dei determinatione ipsa voluntas se moveat ac determinet. Ad quid enim datur ista motio ac determinatio divina? Non certe ut voluntas nihil agat, sed ut agat modo sibi consentaneo, id est libere, ita ut possit agere et non agere. Unde divina motio et determinatio non solum non impedit quin voluntas se moveat ac determinet, sed potius hoc ipsum facit, quod sub ista motione ac determinatione se moveat ac determinet. Ergo.

19 And this is the constant and perpetual doctrine of D. Thomas in all his works. Ia p., q. 83, a. 1, ad 3 : « Free will, he says, is the cause of its own motion, because man by free will moves himself to act. Not however is it of the necessity of liberty, that that which is free be the first cause of itself : as neither for a thing to be the cause of another is it required that it be the first cause of it. God therefore is the first moving cause both of natural causes and of voluntary ones. And as by moving natural causes he does not take away that their actions be natural; so, by moving voluntary causes, he does not take away that their actions be voluntary, but rather he effects this in them; for he operates in each thing according to its property. »

Et haec est constans et perpetua D. Thomae doctrina in omnibus suis operibus. 1 p., q. 83, a. 1, ad 3 : « Liberum arbitrium, inquit, est causa sui motus, quia homo per liberum arbitrium seipsum movet ad agendum. Non tamen hoc est de necessitate libertatis, quod sit prima causa sui id quod liberum est : sicut nec ad hoc quod aliquid sit causa alterius, requiritur quod sit prima causa ejus. Deus igitur est prima causa movens et naturales causas et voluntarias. Et sicut naturalibus causis, movendo eas, non aufert quin actiones earum sint naturales; ita, movendo causas voluntarias, non

aufert quin actiones earum sint voluntariae, sed potius hoc in eis facit; operatur enim in unoquoque secundum ejus proprietatem. »

Whether in fallen man there is liberty of choice, or of indifference?

1 **I say**: Of faith it is that there exists in fallen man liberty of arbitrium or of indifference [1]. It is against Lutherans and Calvinists, to whom, as to the thing, Jansenius subscribed, although, as to the word, he admits free will, as is plain from what was said in the preceding article.

1 I p., q. 83, a. 1, c; q. 24 de Veritate, a. 1; q. 6 de Malo, sole article.

***Dico** : De fide est, dari in homine lapso libertatem arbitrii seu indifferentiae[1]. Est contra Lutheranos et Calvinistas, quibus quoad rem subscripsit Jansenius, quamvis quoad vocem admittat liberum arbitrium, ut patet ex dictis articulo praecedenti.*

1 1. p., q. 83, a. 1, c; q. 24 de Veritate, a. 1; q. 6 de Malo, a. unico.

2 It is proved from Scripture. *Ecclus.*, XV, 17 and 18: *He added water and fire before thee: stretch forth thy hand unto which thou wilt. Before man is life and death, good and evil, that which shall please thee shall be given thee.* ibid., XXXI, 10: *Eternal glory shall be his who could transgress, and hath not transgressed, could do evil, and hath not done it. I Cor.*, VII, 36: *Let him do what he will; he sinneth not if he marry.* And soon after, 37: *Having no necessity, but having power of his own will.*

Probatur ex Scriptura. Eccli., *XV, 17 et 18 :* Apposuit tibi aquam et ignem : ad quod volueris, Porrige manum tuam. Ante hominem vita et mors, bonum et malum, quod placuerit ei, dabitur illi. *ibid., XXXI, 10 :* Erit illi gloria aeterna, qui potuit transgredi, et non est transgressus, facere mala, et non fecit. *1* Cor., *VII, 36 :* Quod vult, faciat; non peccat, si nubat. *Et mox, 37 :* Non habens necessitatem, potestatem autem habens suae voluntatis.

3 It is proved from the Council of Trent, session VI, canon 5: « If anyone say that it is not in the power of man to make his ways evil... ; let him be anathema. »

Probatur ex concilio Trid., sess. VI, can. 5 : « Si quis dixerit, non esse in potestate hominis vias suas malas facere... ; anathema sit. »

4 It is proved from the Fathers, especially from Augustine, whom the heretics claim. Above all, St. Augustine wrote the book On Grace and Free Will for this very end, that he might prove that both ought to be admitted: « Because, he says, c. 1, n. 1, there are certain ones who so defend the grace of God that they deny the free will of man, I therefore took care..... to write something. » And cap. 2, n. 2: « The divine precepts themselves would profit man nothing, unless he had the free choice of will, by which, doing them, he might arrive at the promised rewards. » And further below, n. 4: « How does he command, if there is no free will? » Lib. II de Nuptiis et Concupisc., c. 3, n. 8, addressing the Pelagians: « That free will exists in men..., we say to both parties. Hence you are not Celestians and Pelagians. » For this indeed speaks the Catholic faith.

Probatur ex Patribus, maxime ex Augustino, quem reclamant haeretici. Imprimis S. Aug. eo dumtaxat fine scripsit librum de Gratia et Libero arbitrio, ut probaret utrumque debere admitti : « Quoniam, inquit, c. 1, n. 1, sunt quidam qui sic gratiam Dei defendunt, ut negent hominis liberum arbitrium, hinc aliquid scribere..... curavi. » Et cap. 2, n. 2 : « Ipsa divina praecepta homini non prodessent, nisi haberet liberum voluntatis arbitrium, quo ea faciens ad promissa praemia perveniret. » Et infra, n. 4 : « Quomodo jubet, si non est liberum arbitrium? » Lib. II de Nuptiis et Concupisc., c. 3, n. 8,

Pelagianos alloquens : « Liberum in hominibus esse arbitrium..., utrique dicimus. Non hinc estis Coelestiani et Pelagiani. » Ista quippe catholica fides dicit.

5 It is proved by reason, which Augustine himself urges in the places cited and in many others [1]. If man were not free with liberty of arbitrium and indifference, vain would be counsels, exhortations, precepts, prohibitions, rewards and punishments. For either man would be necessarily determined to do the things commanded or counseled, and thus in vain would be commanded or counseled what he could not fail to do; or he would be necessarily determined not to do them, and thus in vain would he be prohibited from that from which he could not abstain. Therefore.

1 I p., q. 83, a. 1 cit.

Probatur ratione, quam ipse Aug. in locis citatis, et in pluribus aliis urget[1]. Si homo non esset liber libertate arbitrii et indifferentiae, frustra essent consilia, exhortationes, praecepta, prohibitiones, praemia et poena. Vel enim homo esset necessario determinatus ad facienda quae praecipiuntur aut consuluntur, et sic frustra praeciperetur aut consuleretur id quod non posset non facere; vel esset necessario determinatus ad ea non facienda, et sic frustra prohiberetur id a quo abstinere non posset. Ergo.

1 1. p., q. 83, a. 1 cit.

6 It is confirmed. Man in this state of fallen nature sometimes elicits meritorious and demeritorious acts [1]. But for this is required liberty from necessity [1], as I shall say in the following article. Therefore.

1 I p., q. 83, a. 1 cit.

1 I p., q. 83, a. 1 cit.

Confirmatur. Homo in hoc statu naturae lapsae aliquando elicit actus meritorios et demeritorios[1]. Atqui ad hoc requiritur libertas a necessitate[1], ut dicam articulo sequenti. Ergo.

1 1. p., q. 83, a. 1 cit.

1 1. p., q. 83, a. 1 cit.

7 It is proved by reason a priori [1]. Man by sin did not cease to be of intellectual nature. But intellectual nature free will follows inseparably, as is plain from what was said of the root of liberty. Therefore.

1 I p., q. 83, a. 1 cit.

Probatur ratione a priori[1]. Homo per peccatum non desiit esse naturae intellectualis. Atqui naturam intellectualem inseparabiliter sequitur liberum arbitrium, ut patet ex dictis de radice libertatis. Ergo.

1 1. p., q. 83, a. 1 cit.

8 It is proved from experience, whereby it appears that man freely chooses one thing and rejects another [2].

2 Q. 24 de Veritate cit.

Probatur ab experientia, qua apparet hominem libere unum eligere et aliud respuere[2].

2 Q. 24 de Veritate cit.

9 *Obj.* from Augustine: The holy Doctor 1° in Enchir., c. 30, says: « By ill using free will, man lost both himself and it. » 2° In the imperfect Work against Julian he is wholly bent upon impugning the liberty

of indifference, as the basis of the whole Pelagian heresy. 3° Ibid., lib. I, c. 105, acknowledges from original sin a necessity of sinning: « Thou errest greatly, he says, who thinkest that there is no necessity whatever of sinning. » 4° In cap. v ad Galat., that famous saying: « That which more delights us, according to it we must needs work. »

> Obj. *ex Aug. : S. Doctor 1° in Enchir., c. 30, dicit : « Libero arbitrio male utens homo, et se perdidit et ipsum. » 2° In Opere imperfecto cont. Julianum, totus est ut impugnet libertatem indifferentiae, tamquam basim totius haeresis Pelagianae. 3° Ibid., lib. I, c. 105, agnoscit ex peccato originali peccandi necessitatem : « Multum erras, inquit, qui vel necessitatem nullam putas esse peccandi. » 4° In cap. v ad Galat., famosum illud : « Quod amplius nos delectat, secundum id operemur necesse est. »*

10 *I answer*, to the first: free will is said by Augustine to have been lost by the sin of Adam, not as though it were extinguished as to substance, but because it was made worse and weakened as to good; in about that sense in which a father is said to lose a son whom excessive indulgence suffers to become scandalous. Moreover this is plainer not from the Pelagian sense, but from the very words objected. For he says that man by sin lost free will, just as he lost himself. But he lost himself not as to substance, as though he had ceased to be man, but as to perfection of justice and facility of virtue, insofar as he lies subject to ignorance, concupiscence and disease. Thus Augustine himself explains himself in express terms lib. I ad Bonifac., against two Epistles of Pelagius, c. 2, n. 5: « Who of us, he says, would say that by the sin of the first man free will perished from the human race? Liberty indeed perished through sin, but that which was in paradise, of possessing full justice together with

> Resp. *ad primum, liberum arbitrium dici ab Aug. amissum peccato Adae, non quod sit extinctum quoad substantiam, sed quia est deterius factum et debilitatum quoad bonum; eo ferme sensu, quo pater dicitur perdere filium, quem nimia indulgentia sinit esse flagitiosum.. Magis autem hoc patet non ex sensu Pelagianos, sed ex ipsis verbis objectis. Dicit enim hominem peccato perdidisse liberum arbitrium, sicut seipsum perdidit. Non autem se perdidit quoad substantiam, quasi desierit esse homo, sed quoad perfectionem justitiae et facilitatem virtutis, quatenus est obnoxius ignorantiae, concupiscentiae et morbi. Ita ipsemet Aug. seipsum disertis terminis explicat lib. I ad Bonifac., contra duas Epistolas Pelagii, c. 2, n. 5 : « Quis, inquit, nostrum dicat quod primi hominis peccato perierit liberum arbitrium de humano genere? Libertas quidem periit per peccatum, sed illa quae in paradiso fuit, habendi plenam cum*

11 [1] — [2]

1 Ibid.

2 Q. 24 de Veritate cit.

> *[1] — [2]*
>
> *[1] Ibid.*
>
> *[2] Q. 24 de Veritate cit.*

12 immortality; wherefore human nature needs divine grace. »

> *immortalitate justitiam; propter quod natura humana divina indiget gratia. »*

13 To the second. St. Augustine impugns the liberty of indifference, not in the sense of Catholics, but in the sense of Pelagians, against whom he is writing. The Pelagians contended that the liberty of man was in no wise wounded by original sin, whose existence they denied, nor inclined more to sin than to good, but constituted in perfect equilibrium, moving itself with equal moment toward virtues and vices, as in nature integral. This Pelagian indifference Augustine impugns, but not that which the

Catholic faith establishes, whereby, although attenuated in force and inclined to evil, man so remains lord of his own acts that he can act or not act, act this or that — aided, namely, by grace, where the question is of salutary work; but grace, urgent necessity pressing, fails him not according to its exigency, as I said in the treatise on God.

Ad secundum. S. Aug. impugnat libertatem indifferentiae, non ad sensum Catholicorum, sed ad sensum Pelagianorum, contra quos agit. Contendebant autem Pelagiani, libertatem hominis in nullo esse sauciatam per peccatum originale, quod negabant, neque in peccatum magis quam in bonum esse propensam, sed in perfecto aequilibrio constitutam pari momento se movere ad virtutes et vitia, sicut in natura integra. Hanc indifferentiam Pelagianam impugnat Aug., at non eam quam statuit fides catholica, per quam, licet viribus attenuatam et in malum inclinatam, homo ita remanet dominus suorum actuum, ut possit agere vel non agere, agere hoc vel illud, adjutus scilicet gratia, ubi agitur de opere salutari, sed quae gratia, urgente necessitate, illi non deest secundum ejus exigentiam, ut dixi in tractatu de Deo.

14 To the third [1]. St. Augustine speaks of a moral necessity of sinning, taken for great difficulty of abstaining from sin, because of the vice of nature corrupted by original sin, whence follows a certain vague and indeterminate necessity of sometimes sinning. Moreover Augustine sometimes speaks of sins taken materially, such as the undeliberate motions of concupiscence and involuntary ignorance, which are called sins materially and improperly, inasmuch as they are effects of sin and move to sin, and from which man cannot be without in this life.

1 St. Th., Opusc. I contra errores Graecorum, c. 28.

Ad tertium[1]. S. Aug. loquitur de necessitate morali peccandi, sumpta pro magna difficultate a peccato abstinenti, propter vitium naturae corruptae per peccatum originale, ex qua sequitur quaedam necessitas vaga et indeterminata aliquando peccandi. Insuper Aug. aliquando loquitur de peccatis materialiter sumptis, quales sunt motus indeliberati concupiscentiae et ignorantia involuntaria, quae dicuntur peccata materialiter et improprie, quatenus sunt effectus peccati et movent ad peccatum, et quibus homo carere non potest in hac vita.

1 S. Th., Opusc. I contra errores Graecorum, c. 28.

15 To the fourth. Augustine speaks either of delight deliberate or undeliberate. If of the undeliberate, a moral necessity must be understood, taken for great difficulty of acting otherwise. For Augustine himself teaches that resistance can be made to greater delight: « Man, he says, lib. LXXXIII quaest., q. 70, even with pain can restrain the great delight of hunting [2]. » If he speak of deliberate delight, as it is commonly understood, necessity must indeed be understood

2 Here the sense of Augustine is reported, not his very words.

Ad quartum. Vel Aug. loquitur de delectatione deliberata, vel indeliberata. Si de indeliberata, intelligenda est necessitas moralis, sumpta pro magna difficultate aliter faciendi. Docet enim ipse Aug., majori delectationi posse resisti : « Homo, inquit, lib. LXXXIII quaest., q. 70, etiam cum dolore magnam venandi delectationem potest cohibere[2]. » Si loquatur de delectatione deliberata, ut communiter intelligitur, intelligenda est quidem necessitas

2 Hic sensus Aug. refertur, non ipsa verba.

16 [1] — [2]

1 St. Th., Opusc. I contra errores Graecorum, c. 28.

2 Here the sense of Augustine is reported, not his very words.

[1] — [2]

1 S. Th., Opusc. I contra errores Graecorum, c. 28.

[2] *Hic sensus Aug. refertur, non ipsa verba.*

17 simply so called, but hypothetical, and consequent upon the will. For that which delights us the more deliberately is that which we deliberately love and choose before another. But we must needs embrace and follow in external work what we deliberately choose before another, just as it is necessary that I speak while I am speaking. But this necessity, as is plain, follows the very free determination of the will, and thus injures not its liberty. Of which again, when treating of grace.

simpliciter dicta, sed hypothetica et consequens voluntatem. Id enim quod nos magis deliberate delectat, est id quod prae alio deliberate diligimus et eligimus. Necesse est autem nos amplecti et sequi in opere externo quod prae alio deliberate eligimus, sicut necesse est me loqui, dum loquor. Sed haec necessitas, ut patet, sequitur ipsam liberam determinationem voluntatis, sicque ejus libertati non nocet. De quo iterum, dum de gratia.

Whether for meriting or demeriting, in this state of fallen nature, liberty from necessity, or liberty of indifference, is required?

1 The dogma of faith being posited, namely that man in the state of fallen nature enjoys liberty from necessity or indifference, which we call liberty of arbitrium, we now ask whether this liberty from necessity is altogether required for meriting or demeriting in this same state; — or whether the liberty of spontaneity, or from coercion, does not suffice.

Posito dogmate fidei, scilicet hominem in statu naturae lapsae gaudere libertate a necessitate seu indifferentiae, quam dicimus libertatem arbitrii, quaerimus nunc utrum haec libertas a necessitate omnino requiratur ad merendum vel demerendum in hoc eodem statu; — an non sufficiat libertas spontaneitatis, seu a coactione.

2 *I say* 1° : To merit or demerit in the state of fallen nature there is required in man liberty from necessity, or liberty of indifference, and the liberty from coercion does not suffice [1] .

1 Q. 6 de Malo, a. unico, c.

Dico *1° : Ad merendum vel demerendum in statu naturae lapsae, requiritur in homine libertas a necessitate, seu libertas indifferentiae, et non sufficit libertas a coactione*[1].

[1] *Q. 6 de Malo, a. unico, c.*

3 Thus defined it Innocent XII and Alexander VII, condemning as heretical this third proposition of Jansenius contradictory to our conclusion, in the sense intended by the author: « To merit and demerit, in the state of fallen nature, there is not required in man liberty from necessity, but the liberty from coercion suffices. » S. Pius V and Greg. XIII, condemning this 67th proposition of Baius: « Man sins, even damnably, in that which he does necessarily. » St. Thomas preceded these Pontiffs, q. 6 cit. de Malo, where he says the contrary opinion to be

Ita definierunt Innocentius XII et Alexander VII, damnando ut haereticam hanc tertiam propositionem Jansenii conclusioni nostrae contradictoriam, in sensu ab authore intento : « Ad merendum et demerendum, in statu naturae lapsae, non requiritur in homine libertas a necessitate, sed sufficit libertas a coactione. » S. Pius V et Greg. XIII, damnando hanc 67 propositionem Baii : « Homo peccat, etiam damnabiliter, in eo quod necessario facit. » His Pontificibus praeivit S. Thomas, q. 6 cit. de Malo, ubi dicit, contrariam opinionem esse

4 1

1 Q. 6 de Malo, a. unico, c.

1

[1] *Q. 6 de Malo, a. unico, c.*

5 heretical and to subvert all the principles of moral philosophy: « For if, he says, something be not free in us but moved from necessity toward willing, deliberation, exhortation, precept, punishment, praise and blame are taken away. »

haereticam et subvertere omnia principia philosophiae moralis : « Si enim, inquit, non sit liberum aliquid in nobis, sed ex necessitate movetur ad volendum, tollitur deliberatio, exhortatio, praeceptum, et punitio, et laus, et vituperium. »

6 It is proved by further reason. Our acts, as purely spontaneous, are not moral. Therefore neither meritorious nor demeritorious. — *Prob.* ant. Insofar as acts are called moral, insofar are they subjected to rules of morals and can be directed by them. Yet necessary and purely spontaneous acts cannot be subjected to rules of morals nor directed by them. Therefore. — *Prob.* min. Acts invariable in themselves cannot be subjected to rules of morals nor directed by them; for it would be vain, nay foolish, to apply a rule to an action which could not be otherwise. Yet necessary and merely spontaneous acts are invariable in themselves, as appears in beatific love, in love of beatitude in common, and others. Therefore.

Probatur ulteriori ratione. Actus nostri, ut pure spontanei, non sunt morales. Ergo nec meritorii, nec demeritorii. — Prob. *ant. In tantum actus dicuntur morales, in quantum subjiciuntur regulis morum et ab iis dirigi possunt. Atqui actus necessarii et pure spontanei non possunt subjici regulis morum, neque ab iis dirigi. Ergo.* — Prob. *min. Actus secundum se invariabiles non possunt subjici regulis morum, nec ab iis dirigi; frustraneum enim foret, imo stultum, adhibere regulam actioni quae aliter esse non posset. Atqui actus necessarii et mere spontanei sunt secundum se invariabiles, ut patet in amore beatifico, in amore beatitudinis in communi, et aliis. Ergo.*

7 *I say* 2° : To merit or demerit there is not necessarily required liberty of contrariety toward good or evil, but the liberty of contradiction suffices.

Dico *2° : Ad merendum vel demerendum non requiritur necessario libertas contrarietatis ad bonum vel malum, sed sufficit libertas contradictionis.*

8 *Prob.* 1° in Christ, who was impeccable, and yet merited; 2° in the angels, who merited in the first instant, yet could not sin, as I said in the treatise on Angels; 3° in the very holy Virgin, Apostles and other saints confirmed in grace, who merited without that they could sin; 4° By reason, because by this very fact that an act is free with the liberty of contradiction, so that it can be placed and not placed, it falls under rules of morals; for law and reason can dispose concerning it, command or forbid it. Therefore it is moral, consequently meritorious or demeritorious.

Prob. *1° in Christo, qui erat impeccabilis, et tamen meruit; 2° in angelis, qui in primo instanti meruerunt, nec tamen peccare potuerunt, ut dixi in tract. de Angelis; 3° in ipsa S. Virgine, Apostolis et aliis sanctis confirmatis in gratia, qui meruerunt, absque eo quod peccare potuerunt; 4° ratione, quia hoc ipso quo actus est liber libertate contradictionis, ita ut possit poni et non poni, cadit sub regulis morum; de illo enim lex et ratio potest disponere, ipsum praecipere aut prohibere. Ergo est moralis, consequenter meritorius aut demeritorius.*

9 *You will say* against the first conclusion: St. Thomas, in III Sentent., dist. 18, a. 2, ad 5, says thus: « It must be said that although the free will of Christ were determined to one numerically, as to loving God, which he cannot not do, nevertheless from this he loses not liberty or the notion of praise or merit; because he tends toward it not coerced but spontaneously, and thus is master of his act. » Therefore to merit or demerit liberty from necessity is not required.

Dices *contra primam conclusionem: S. Thomas, in III Sentent., dist. 18, a. 2, ad 5, sic ait : « Dicendum quod, etiamsi liberum Christi arbitrium esset determinatum ad unum numero, sicut ad diligendum Deum, quod non facere non potest, tamen ex hoc non amittit libertatem aut rationem laudis sive meriti; quia in illud non coacte, sed sponte tendit, et ita est actus sui dominus. » Ergo ad merendum vel demerendum non requiritur libertas a necessitate.*

10 *Resp.* the sense of St. Thomas to be that, although the free will of Christ were determined necessarily to loving God in itself, he could nevertheless merit, because with such determination he remained free toward that same love of God as it is the ratio of loving creatures. Whence he wills that merit be found only in the same necessary act not in the part wherein it is necessary but in the part wherein it is free; otherwise he would contradict his former answer, in which he requires for merit immunity from determination to one numerically. Nor do these words stand in the way: « Because he tends toward it not coerced, but spontaneously; » for τὸ « not coerced but spontaneously » is the same as not necessarily but freely. For often with St. Thomas and the ancients coactum is taken for necessarium, and spontaneum for liberum. And that it is thus taken here these following words plainly indicate: « And thus he is master of his act, » which would be false if he understood it of a necessary act; for we are not masters of necessary acts, as the same holy Doctor attests: « We are, he says, 1ª p., q. 82, a. 1, masters of our own acts according as we can choose this or that. »

Resp. *sensum S. Thomae esse quod, quamvis liberum Christi arbitrium esset determinatum necessario ad amandum Deum secundum se, potuerit tamen mereri, quia cum tali determinatione remanebat liber ad eamdem dilectionem Dei, prout est ratio diligendi creaturas. Unde vult tantum in eodem actu necessario reperiri meritum, non qua parte est necessarius, sed qua parte est liber; alias contradiceret priori responsioni, in qua exigit ad meritum immunitatem a determinatione ad unum numero. Neque obstant haec verba : « Quia in illud non coacte, sed sponte tendit; » nam τὸ « non coacte, sed sponte » idem est ac non necessario, sed libere. Saepius enim apud S. Thomam et veteres, coactum sumitur pro necessario, et spontaneum pro libero. Et ita hic sumi aperte indicant haec verba sequentia : « Et ita est actus sui dominus, » quod foret falsum, si intelligeret de actu necessario; non enim, teste ipso S. Doctore, sumus domini actuum necessariorum : « Sumus, inquit 1ª p., q. 82, a. 1, domini nostrorum actuum secundum quod possumus hoc vel illud eligere. »*

11 *You will ask* whether, the indifference of judgment standing, the will can be necessitated.

Petes *utrum, stante indifferentia judicii, voluntas possit necessitari.*

12 *Resp.* That the will, the indifferent judgment standing, is necessitated.

Resp. *Implicat voluntatem, stante judicio indifferenti, necessitari.*

13 *It is proved* [1] . The will is rational appetite following cognition and the lead of the intellect, since it is only of good proposed to itself through cognitive power. Such are the words of St. Thomas at the place cited, and such is the principle he everywhere inculcates and which no one calls into doubt, as founded in the nature of things. For whatever form or nature follows its inclination proportioned to itself, as appears in all things; and thus the inclination of intellectual nature is rational appetite following the form through intellect appre-

1 Q. 25 de Veritate, a. 2, c.

Probatur[1]. *Voluntas est appetitus rationalis sequens cognitionem et ductum intellectus, cum non sit nisi boni quod sibi per vim cognitivam proponitur. Sunt verba D. Thomae, loco cit., estque principium quod passim inculcat et quod nemo in dubium revocat, utpote in natura rerum fundatum. Quamlibet enim formam seu naturam sequitur sua inclinatio ipsi*

proportionata, ut patet in omnibus; sicque inclinatio naturae intellectualis est appetitus rationalis sequens formam per intellectum appre-

[1] *Q. 25 de Veritate, a. 2, c.*

14 [1]

[1] Q. 25 de Veritate, a. 2, c.

[1]

[1] *Q. 25 de Veritate, a. 2, c.*

15 hended. Therefore, as it implies that the will desire an object which is not proposed to it through intellect but unknown, so it implies desiring otherwise than proposed to itself, consequently desiring necessarily what is proposed to it under indifference; otherwise, as in the first case, so also in the second rational appetite would be and would not be.

hensam. Ergo, sicut implicat voluntatem appetere objectum quod sibi per intellectum non proponitur, sed incognitum, ita implicat aliter appetere quam sibi proponitur, consequenter necessario appetere quod sibi sub indifferentia proponitur; alioquin, sicut in primo casu, ita et in secundo foret et non foret appetitus rationalis.

16 It is confirmed. It implies the will acting without any cognition; because, as said, it is essentially rational appetite following cognition and the lead of the intellect. Yet that would happen if it were borne necessarily toward the object proposed under indifference. Therefore. — *Prob.* min. It would not act nor be regulated by that cognition which represents the object as indifferent; otherwise it would be borne also toward it indifferently, nor would it be another cognition, as supposed. Therefore it would act without that cognition.

Confirmatur. Implicat voluntatem agere sine ulla cognitione; quia, ut dictum est, est essentialiter appetitus rationalis sequens cognitionem et ductum intellectus. Atqui id contingeret, si ferretur necessario in objectum sub indifferentia propositum. Ergo. — Prob. *min. Non ageret nec regeretur per illam cognitionem quae repraesentat objectum ut indifferens; alioquin ferretur etiam in illud indifferenter, neque foret altera cognitio, ut supponitur. Ergo sine illa cognitione ageret.*

On Human Acts Taken Specifically

1 **DISSERTATION III**

DISSERTATIO III

2 **ON HUMAN ACTS SPECIALLY TAKEN**

DE ACTIBUS HUMANIS SPECIATIM SUMPTIS

3 St. Thomas, Iª 2ae, from q. 8 to q. 17.

D. Thomas, 1ª 2ae, a q. 8 ad 17.

4 The general condition of human acts having been explained, namely by reason of voluntary and free, we must now treat of the acts themselves specially : first of elicited acts, then of imperated ones. Now six acts are elicited by will : three concerning end, namely simple volition, intention, and fruition; and three concerning means, namely consent, election, and active use. To these six acts of will there correspond on the part of intellect five directing acts, and one on part of executive powers.

On part of intellect, two concerning end, namely simple apprehension and judgment; three concerning means, namely counsel or consultation, practical or discriminative judgment of means, and command. On part of other powers, passive use.

> *Explicata conditione generali actuum humanorum, scilicet ratione voluntarii et liberi, nunc agendum est de ipsis actibus speciatim : primo de actibus elicitis, deinde de imperatis. Sunt autem sex actus a voluntate eliciti: tres circa finem, scilicet simplex volitio, intentio et fruitio, et tres circa media, scilicet consensus, electio et usus activus. His sex actibus voluntatis correspondent ex parte intellectus quinque actus dirigentes, et unus ex parte potentiarum executivarum. Ex parte intellectus, duo circa finem, scilicet simplex apprehensio et judicium; tres circa media, nempe consilium seu consultatio, judicium practicum seu discretivum mediorum, et imperium. Ex parte potentiarum aliarum, usus passivus.*

5 Of these Author treats quite fully through ten questions. Several things also concerning volitional power itself he intermingles in first questions, unto more accurate knowledge of acts. We shall select what are more useful.

> *De his satis fusè agit Author per decem quaestiones. Plura etiam de ipsa potentia volitiva immiscet in primis quaestionibus ad accuratiorem actuum notitiam. Quae sunt utiliora seligemus.*

Whether the will can will evil under the aspect of evil?

1 **I say**: The will cannot will evil under the character of evil. [1]

[1] Here q. 8, a. 1, o.

> ***Dico** : Voluntas non potest velle malum sub ratione mali.* [1]
>
> [1] *Hic q. 8, a. 1, o.*

2 *It is proved*. The will is a certain rational appetite. Yet every appetite is of good only. Ergo. — *Prob.* min. Appetite is nothing else than a certain inclination of the one appetiting toward something. Yet nothing is inclined except toward something fitting itself; what is fitting to a thing allures and draws inclination, as what is unfitting repugns to it. Ergo every appetite is of the fitting only, consequently of good; for good and fitting are one, as evil and unfitting.

> Probatur. *Voluntas est appetitus quidam rationalis. Atqui omnis appetitus non est nisi boni. Ergo.* — Prob. *min. Appetitus nihil est aliud quam quaedam inclinatio appetentis in aliquid. Atqui nihil inclinatur nisi in aliquid sibi conveniens; quod enim est rei conveniens, allicit et trahit inclinationem, sicut quod est disconveniens, ei repugnat. Ergo omnis appetitus non est nisi convenientis, consequenter boni; bonum enim et conveniens unum sunt, sicut malum et disconveniens.*

3 *You will say*: Those who appetite non-being, as demons and men despairing, appetite evil under the character of evil, for in non-being no character of good can be apprehended. Ergo.

> Dices *: Qui appetunt non esse, ut daemones et homines desperantes, appetunt malum sub ratione mali, nam in non esse nulla potest apprehendi ratio boni. Ergo.*

4 *I answer.* I deny the antecedent and its proof. For to lack evil is a good, says the Author [2], here, ad 3; but demons and despairing men apprehend in non-being the lacking of evil, inasmuch as they apprehend non-being as a means conducing to liberation from their miseries; and thus they appetite non-being materially, formally non-misery, so that the formal character of appetiting non-being be a certain character of good, namely to lack evil and misery.

[2] The Angelic Doctor borrows this saying from Aristotle, who V Ethic., c. 2, says: « The lesser evil in a manner seems to be a good. »

Resp. *Nego ant. et ejus probationem. Nam carere malo, est bonum, inquit Author*[2]*, hic, ad 3, daemones autem et homines desperantes apprehendunt in non esse, carere malo, quatenus apprehendunt non esse ut medium conducens ad liberationem a suis miseriis; et sic appetunt non esse materialiter, formaliter non esse miseri, ita ut ratio formalis appetendi non esse sit quaedam ratio boni, scilicet carere malo et miseria.*

[2] *Hoc effatum mutuatur Angelicus ab Aristotele, qui V Ethic., c. 2, dicit : « Minus malum quodam modo videtur bonum esse. »*

[5] *You will ask* whether out of two goods the will can choose the lesser or the equal.

Petes *an e duobus bonis voluntas possit eligere minus vel aequale.*

[6] *I answer.* Although simply and absolutely the will, for its liberty, can out of two goods equal or unequal choose the equal or lesser, yet it cannot do that unless the practical judgment be changed and a new motive proposed, whereby one more eminently stand forth, and be judged here and now better and more fitting. And in this sense it is true that election is always of the better.

Resp. *Quamvis simpliciter et absolute voluntas, pro sua libertate, possit ex duobus bonis aequalibus vel inaequalibus aequale vel minus eligere, id tamen facere non potest, nisi mutato judicio practico et proposito novo motivo, quo unum magis emineat, et judicetur hic et nunc melius et convenientius. Hocque sensu verum est quod electio sit semper de meliori.*

[7] *Prob.* The will is not borne toward any good unless drawn and allured by it; for good is compared to the will as mover to movable, and the motion of good into will is metaphorical, namely by drawing and alluring. Ergo it cannot be borne toward one before another unless by that one it be allured and attracted before the other. — I subjoin. Yet that one draw and allure before another cannot be except because it is judged fitting and good before the other; for fitness alone or goodness proposed through intellect is the motive of the will. Ergo the will cannot choose the lesser or equal out of two, unless it be judged practically better and more fitting.

Prob. *Voluntas non fertur in aliquod bonum, nisi trahatur et alliciatur ab illo; bonum enim comparatur ad voluntatem tamquam movens ad mobile, et motio boni in voluntatem est metaphorica, scilicet trahendo et alliciendo. Ergo non potest ferri in unum prae alio nisi ab illo alliciatur et attrahatur prae alio. — Subsumo. Atqui quod unum trahat et alliciat prae alio, non potest esse nisi quia prae alio judicatur conveniens et bonum; sola enim convenientia seu bonitas proposita per intellectum, est motivum voluntatis. Ergo voluntas non potest ex duobus minus aut aequale eligere, nisi judicetur practice melius et convenientius.*

[8] *It is confirmed.* The will cannot choose one of two proposed goods before another unless the intellect judge it to be preferred; for the will, as we have said so many times already, is a blind potency following the dictate of reason and tending toward the object as it is proposed to it by intellect. Yet the intellect cannot judge one of two to be preferred except inasmuch as it judges it better and more fitting, because the whole character of eligibility is goodness and fitness; and as it could not judge it to be chosen absolutely unless it judged it absolutely good and fitting, so it cannot judge it preferred unless it judge it better and more fitting. Ergo the will cannot choose one of two before another unless the intellect judge it better and more fitting.

Confirmatur. *Voluntas non potest ex duobus bonis propositis unum prae alio eligere, nisi intellectus judicet esse praeeligendum; est enim voluntas, ut jam toties diximus, potentia caeca sequens dictamen rationis, et tendens in*

objectum prout ipsi ab intellectu proponitur. Atqui intellectus non potest judicare, unum e duobus esse praeeligendum, nisi in quantum judicat melius et convenientius, quia tota ratio eligibilitatis est bonitas et convenientia; et sicut non posset judicare esse absolute eligendum, nisi judicaret esse absolute bonum et conveniens, ita non potest judicare esse praeeligendum, nisi judicaret melius et convenientius. Ergo voluntas non potest e duobus unum prae alio eligere, nisi intellectus judicet esse melius et convenientius.

On the motive of the will as to specification

1 **I say 1°**: The intellect moves the will as to specification; but the will moves the intellect and the other powers subject to it as to exercise.

***Dico 1°** : Intellectus movet voluntatem quoad specificationem ; voluntas autem movet intellectum et alias potentias sibi subditas quoad exercitium.*

2 *Prob.* the first part [1] . To move as to specification is to determine to an act of a certain species. Yet the intellect, proposing the object to the will, determines it to an act of a certain species. Therefore. — *Prob.* min. The will elicits not an act of such species, e.g., of love, except because it tends toward the object proposed to it by the intellect as amiable. Therefore.

1 Hic q. 9, a. 1, o.

Prob. *primam partem*[1]*. Movere quoad specificationem, est determinare ad actum certae speciei. Atqui intellectus, proponendo objectum voluntati, illam determinat ad actum certae speciei. Ergo.* — Prob. *min. Voluntas non elicit actum talis speciei, v. g., amoris, nisi quia tendit in objectum sibi propositum ab intellectu ut amabile. Ergo.*

[1] *Hic q. 9, a. 1, o.*

3 *Prob.* the second part [2] . In all active powers ordered among themselves, that power which regards the universal end moves to exercise the powers which regard particular ends. And this appears both in natural things and in political. For heaven, which acts toward the universal conservation of generable things, moves all inferior things, each of which acts toward the conservation of its own species or even individual. Also the king, because he intends the common good of the whole kingdom, moves by his command the individual prefects of cities, who devote care of government to the several cities. Yet the object of the will is good and end in common; but each power is compared to some proper good suiting itself, as sight to perception of color, intellect to cognition of truth. Therefore the will, in the manner of an agent, moves to exercise all the powers of the soul toward their acts, besides the natural forces of the vegetative part, which are not subject to our arbitrium. This second part of the conclusion will be explained more specially in question 17, where commanded acts are treated of.

2 Ibid. et 1a p., q. 82, a. 4, o.

Prob. *secundam partem*[2]*. In omnibus potentiis activis ordinatis, illa potentia quae respicit finem universalem movet ad exercitium potentias quae respiciunt fines particulares. Et hoc apparet tam in naturalibus quam in politicis. Coelum enim, quod agit ad universalem conservationem generabilium, movet omnia inferiora, quorum unumquodque agit ad conservationem propriae speciei, vel etiam individui. Rex etiam, quia intendit bonum commune totius regni, movet per suum imperium singulos praepositos civitatum, qui singulis civitatibus curam regiminis impendunt. Atqui objectum voluntatis est bonum et finis in communi; quaelibet autem potentia comparatur ad aliquod bonum proprium sibi conveniens, sicut visus ad perceptionem coloris, intellectus ad cognitionem veri. Ergo voluntas per modum agentis movet ad exercitium omnes animae potentias ad suos actus, praeter vires naturales vegetativae partis, quae nostro arbitrio non subduntur. Haec secunda pars conclusionis specialius explicabitur quaest. 17, ubi de actibus imperatis.*

[2] *Ibid. et 1a p., q. 82, a. 4, o.*

[4] **I say 2°**: The will is not moved directly as to specification by the sensitive appetite, nor by the heavenly body, yet well indirectly and mediately [3] .

[3] Ibid., a. 2 et 5, c.

***Dico 2°** : Voluntas non movetur directe quoad specificationem ab appetitu sensitivo, neque a corpore coelesti, bene tamen indirecte et mediate*[3].

[3] *Ibid., a. 2 et 5, c.*

[5] *Prob.* the first part [4] . Nothing material or corporeal, such are the sensitive appetite and the heavenly body, can naturally act directly upon an immaterial thing, such is the will. Therefore.

[4] Ibid., a. 5, o.

Prob. *primam partem*[4]*. Nihil materiale seu corporale, qualia sunt appetitus sensitivus et corpus coeleste, naturaliter potest agere directe in rem immaterialem, qualis est voluntas. Ergo.*

[4] *Ibid., a. 5, o.*

[6] *Prob.* the second part [1] . Passion raised up in the sensitive appetite, man is affected in a certain way and changed into a certain disposition, whereby it happens that his intellect apprehends something as convenient and good which he would not thus have apprehended and judged with the passion absent. « For such as anyone is, such does the end seem to him, » as says the Philosopher, III Ethic., c. 4. Thus the angry man judges vengeance convenient and good for him, which pacified he would not judge such. Yet, as we said, the object apprehended through intellect moves the will as to specification. Therefore the sensitive appetite, from the fact that the object is represented under the notion of convenient to the intellect, moves the will as to specification indirectly and mediately, namely through the mediation of the judgment of the intellect.

[1] Ibid.

Prob. *secundam partem*[1]*. Passione suscitata in appetitu sensitivo, homo certo modo afficitur et ad certam aliquam dispositionem immutatur, qua fit ut ejus intellectus apprehendat aliquid ut conveniens et bonum, quod non ita apprehendisset et judicasset absente passione. « Qualis enim unusquisque est, talis finis videtur ei, » ut dicit Philosophus, III Ethic., c. 4. Sic iratus judicat vindictam sibi convenientem et bonam, quam non judicaret talem pacatus. Atqui, ut diximus, objectum intellectu apprehensum movet voluntatem quoad specificationem. Ergo appetitus sensitivus, ex quo objectum sub ratione convenientis intellectui repraesentatur, movet voluntatem quoad specificationem indirecte et mediate, mediante scilicet judicio intellectus.*

[1] *Ibid.*

[7] *Prob.* the same second part concerning the heavenly body [2] . Heavenly bodies can alter human bodies, from which alteration follow passions in the sensitive appetite, which is the act of a bodily organ. Yet from the sensitive appetite the will is moved indirectly and mediately, as I just now said. Therefore.

[2] Ibid., a. 5, o.

Prob. *eadem secunda pars de corpore coelesti*[2]*. Corpora coelestia possunt alterare humana corpora, ex qua alteratione sequuntur passiones in appetitu sensitivo, qui est actus organi corporalis. Atqui ex appetitu sensitivo movetur indirecte et mediate voluntas, ut modo dicebam. Ergo.*

[2] *Ibid., a. 5, o.*

On the motive of the will as to exercise

[1] *Note* that it is one thing for the will to act or to will, another for the will to move itself. The will is said to act simply, when it elicits a volition. It is said properly to move itself, when it passes from one act into another, as while from volition of the end it applies itself to acting for its attainment; for each thing moves insofar as it is in act. These things noted,

> Nota *quod aliud sit voluntatem agere seu velle, aliud voluntatem se movere. Voluntas dicitur agere simpliciter, quando volitionem elicit. Dicitur se movere proprie, quando ex uno actu procedit in alium, ut dum ex volitione finis se applicat ad agendum pro ejus consecutione; nam unumquodque in tantum movet, in quantum est in actu. His notatis,*

[2] **I say** 1°: The will moves itself as to exercise in certain acts[3].

[3] Ibid., a. 3, o.

> ***Dico 1°** : Voluntas seipsam movet quoad exercitium in aliquibus actibus[3].*
>
> [3] *Ibid., a. 3, o.*

[3] *Proof.* The end holds itself in desirable things as the principle in intelligibles. But the intellect, by the fact that it knows the principle, reduces itself from potency into act, as to the knowledge of conclusions, and in this mode moves itself. Therefore similarly the will, by the fact that it wills the end, moves itself to willing those things which are unto the end.

> Prob. *Sic se habet finis in appetibilibus, sicut principium in intelligibilibus. Atqui intellectus, per hoc quod cognoscit principium, reducit seipsum de potentia in actum, quantum ad cognitionem conclusionum, et hoc modo movet seipsum. Ergo similiter voluntas per hoc quod vult finem, movet seipsam ad volendum ea quae sunt ad finem.*

[4] *You will say*, according to the common axiom: « Whatever is moved is moved by another. » Therefore the will is not moved by itself.

> Dices, *juxta commune axioma : « Omne quod movetur, ab alio movetur. » Ergo voluntas non movetur a seipsa.*

[5] *I answer.* I deny the consequence. Because self-moving and being moved by another stand together. « When something moves itself, says the Author, q. 3 de Malo, a. 2, ad 4, it is not excluded that it be moved by another, from which it has this very thing that it move itself, namely from God. »

> Resp. *Nego consequentiam. Quia stant simul se movere, et ab alio moveri. « Cum aliquid movet seipsum, inquit Author, q. 3 de Malo, a. 2, ad 4, non excluditur quin ab alio moveatur, a quo habet hoc ipsum quod seipsum moveat, scilicet a Deo. »*

[6] **I say** 2°: The will, in the first volition of the end simply and with respect to the whole of life, does not move itself as to exercise, but is moved by God[1].

[1] Ibid., a. 4, o.

> ***Dico 2°** : Voluntas, in prima volitione finis simpliciter et respectu totius vitae, non se movet quoad exercitium, sed movetur a Deo[1].*
>
> [1] *Ibid., a. 4, o.*

[7] *Proof* 1°. What is in potency needs to be moved by what is in act; because, as I already said, a thing moves insofar as it is in act, and is moved insofar as it is in potency. But the will with respect to the

first volition simply is not in act, otherwise it would not be first volition. Therefore.

> Prob. *1°. Quod est in potentia, indiget moveri ab eo quod est in actu; quia, ut jam dixi, in tantum aliquid movet, in quantum est in actu, et in tantum movetur, in quantum est in potentia. Atqui voluntas respectu primae volitionis simpliciter non est in actu, alias non foret prima volitio. Ergo.*

8 2°. In every life, the first motion of that life is from the generator, as appears in the motion of the heart. But God is author and begetter of intellectual life. Therefore the first motion of that life, namely the first cognition of the intellect and the first volition of the will, is specially from God.

> *2°. In omni vita, primus motus illius vitae est a generante, ut patet in motu cordis. Atqui Deus est author et genitor vitae intellectualis. Ergo primus motus illius vitae, scilicet prima cognitio intellectus, et prima volitio voluntatis, est specialiter a Deo.*

9 Beware however lest thence you infer that God moves the will only unto the first volition, and not unto its other volitions. Indeed he moves unto the first volition with a special motion which supplies the prior act from which the will would move itself and apply itself to the subsequent act; but moreover, as first mover and first universal cause, he moves the will unto all its volitions, inasmuch as it is a second cause subordinate to the first, of itself indifferent and active only in first act, as is broadly proved in philosophy concerning physical premotion.

> *Cave tamen ne inde inferas, Deum movere dumtaxat voluntatem ad primam volitionem, et non ad alias ejus volitiones. Equidem movet ad primam volitionem et speciali motione quae suppleat actum priorem ex quo voluntas se moveret, et ad actum sequentem se applicaret; at insuper, ut primus motor et prima universalis causa, movet voluntatem ad omnes suas volitiones, quatenus est secunda causa primae subordinata, de se indifferens et activa tantum in actu primo, ut late probatur in philosophia, de praemotione physica.*

10 *You will say*: Man can sin in the first instant of reason. Therefore he moves himself in it; otherwise sin would be refunded into God.

> Dices *: Homo potest peccare in primo instanti rationis. Ergo in eo se movet; alias peccatum refunderetur in Deum.*

11 *I answer.* I distinguish the antecedent. Man can sin in the first instant initiating the use of reason; I deny; terminating, I concede. The instant of acquired use of reason through discourse is moral, consisting of several physical instants. In the first, man specially moved by God does not move himself, nor can he sin; in the following, now posited in act, moving himself, he can sin.

> Resp. *Dist. ant. Homo potest peccare in primo instanti initiativo usus rationis, nego; terminativo, conc. Instans usus rationis acquisitus per discursum est morale, constans pluribus instantibus physicis. In primo, homo specialiter motus a Deo non se movet, nec peccare potest; in sequenti, jam in actu positus, ut se movens, peccare potest.*

12 **I say** 3°: The use of reason supposed, when new affairs begin and a new end is intended, unto its first volition thereof the will sometimes moves not itself, but is moved by God, namely when in the will no act preceded having connection with this new end, but there are rather contrary dispositions; as when God specially and suddenly moves an infidel to faith, a sinner to penance[1]. Sometimes indeed it moves itself, namely when some act or effect preceded having connection with that new affair.

[1] Here q. 9, a. 6, ad 3.

> ***Dico 3°** : Supposito usu rationis, quando nova negotia incipiunt, et novus finis intenditur, ad primam ejus volitionem voluntas quandoque se non movet, sed a Deo movetur, quando scilicet in voluntate nullus praecessit actus habens connexionem cum isto novo fine, sed sunt potius dispositiones contraria; ut cum Deus specialiter et subito movet infidelem ad fidem, peccatorem ad poenitentiam*[1]*. Quandoque vero se movet, quando scilicet praecessit aliquis actus vel effectus habens connexionem cum illo novo negotio.*
>
> [1] *Hic q. 9, a. 6, ad 3.*

13 **Exposition of a difficult text of St. Thomas.**

> ***Explicatio textus difficilis S. Thomae.***

14 To many it gives trouble the reply which St. Thomas has here, a. 6, ad 3, wherein he says: « God moves the will of man, as universal mover, to the universal object of the will which is good, and without this universal motion man cannot will anything; but man determines himself by reason to will this or that which is true good or apparent good. Yet sometimes God specially moves some to will something determinately, which is good, as in those whom he moves by grace, as will be said below. » From which reply not a few infer that St. Thomas admits not physical premotion unto all acts, but only unto good ones.

> *Multis facessit negotium responsio quam habet hic S. Thomas, a. 6, ad 3, in qua dicit : « Deus movet voluntatem hominis, sicut universalis motor, ad universale objectum voluntatis quod est bonum, et sine hac universali motione homo non potest aliquid velle ; sed homo per rationem se determinat ad volendum hoc vel illud quod est vere bonum vel apparens bonum. Sed tamen interdum specialiter Deus movet aliquos ad aliquid determinate volendum, quod est bonum, sicut in his quos movet per gratiam, ut infra dicetur. » Ex qua responsione non pauci inferunt, S. Thomam non admittere praemotionem physicam ad omnes actus, sed tantum ad bonos.*

15 But this understanding diametrically repugns the constant doctrine of St. Thomas in almost innumerable places, nor is it the legitimate [understanding] of the present text. And so by the first motion, in that reply, the holy Doctor understands not that common motion whereby God, as first mover, moves all secondary causes subordinated to himself, and whereby thus secondary causes are moved so as to move themselves; but he understands that singular motion whereby God so moves the will to the first volition of the end that it moves not itself, whereof he had spoken at a. 4, and we said a little above. Indeed St. Thomas calls this motion universal, both because it is of the universal mover, both because it is unto the universal object of the will which is good, both because it is universally necessary to every first agent cause. We however called it above special or singular, not that we might exclude those universals, but that we might signify that it adds something above the common, namely that it supplies the prior act from which the will itself could move itself, which the general or common motion required unto all other actions of secondary causes does not do.

> *Verum haec intelligentia diametraliter repugnat constanti doctrinae D. Thomae in innumeris pene locis, neque legitima est praesentis textus. Itaque per primam motionem, in ista responsione, S. Doctor non intelligit illam motionem communem qua Deus, ut primus motor, movet omnes causas secundas sibi subordinatas, et qua sic causae secundae moventur ut se moveant; sed intelligit singularem illam motionem qua Deus ita movet voluntatem ad primam volitionem finis, ut ipsa se non moveat, de qua dixerat a. 4, et nos diximus paulo superius. Vocat quidem S. Thomas hanc motionem universalem, tum quia est motoris universalis, tum quia est ad universale objectum voluntatis quod est bonum, tum quia est universaliter necessaria omni causae primo agenti. Nos autem diximus supra specialem seu singularem, non ut excluderamus istas universalitates, sed ut significaremus eam addere aliquid supra communem, scilicet quod suppleat*

actum priorem ex quo voluntas ipsa possit se movere, quod non facit generalis seu communis motio requisita ad omnes alias actiones causarum secundarum.

16 But when the holy Doctor subjoins: « But man determines himself by reason to will this or that which is true good or apparent good, » he excludes not the common motion whereby God, as first mover, so moves secondary causes that they also move themselves, but that singular motion whereby he so moves the will that it move not itself. And thus he satisfies the argument which he objects to himself, namely that « if the will were moved by God alone, it would never be moved to evil. » A distinction must be made. If the will were moved by God alone, so that it would not move itself, it would never be moved to evil; I concede; if it is so moved by God that it also moves itself, I deny. For from the fact that under the common motion of God the will also moves itself, it can move itself to evil or apparent good; and this is refunded into the defectible cause itself, not into the first indefectible, as will be expounded elsewhere.

Quando autem S. Doctor subdit : « Sed homo per rationem determinat se ad volendum hoc vel illud quod est vere bonum vel apparens bonum, » non excludit motionem communem qua Deus, ut primus motor, sic movet causas secundas, ut etiam se moveant, sed illam singularem motionem qua voluntatem sic movet, ut ipsa se non moveat. Et sic satisfacit argumento quod sibi objicit, nempe quod, « si a solo Deo voluntas moveretur, nunquam moveretur ad malum. » Distinguendum est. Si a solo Deo voluntas moveretur, sic ut se non moveret, nunquam moveretur ad malum, conc.; si sic a Deo moveretur, ut etiam se moveat, nego. Ex hoc enim quod sub communi Dei motione voluntas se etiam moveat, se movere potest ad malum seu apparens bonum; idque refunditur in ipsam causam defectibilem, non in primam indefectibilem, ut alias explicabitur.

17 Finally, when St. Thomas adds: « Yet sometimes God specially moves some to will something determinately, which is good, as in those whom he moves by grace, » the sense is that, as God moves us to good as such without our moving ourselves to it, so sometimes he specially moves us to a determinate particular good, without our moving ourselves to it: as in those whom he moves by operative grace, e.g., infidels to faith, sinners to penance, thinking nothing at all of faith or penance. But this singular motion, as appears from what has been said, excludes neither cooperating graces unto other supernatural acts, nor common motions unto other natural acts, whereby man is so moved that he also moves himself.

Tandem, quando addit S. Thomas : « Sed interdum specialiter Deus movet aliquos ad aliquid determinate volendum, quod est bonum, sicut in his quos movet per gratiam, » sensus est quod, sicut Deus nos movet ad bonum, ut sic, absque eo quod ad illud nos moveamus, ita quandoque specialiter nos movet ad bonum particulare determinatum, absque eo quod ad illud nos moveamus : sicut in his quos movet per gratiam operantem, v. g., infideles ad fidem, peccatores ad poenitentiam, nihil prorsus de fide aut poenitentia cogitantes. At haec singularis motio, ut patet ex dictis, non excludit gratias cooperantes ad alios actus supernaturales, neque motiones communes ad alios actus naturales, a quibus homo sic movetur, ut etiam se moveat.

On the manner in which the will is moved: freely, or necessarily?

1 D. Thomas, q. 10.

D. Thomas, q. 10.

2 **I say** 1°: The will is moved naturally and necessarily, by a necessity of specification, to the good in common, because it is its object[1]. But the power naturally tends to its object, so that it cannot tend to the opposite; likewise to the ultimate end, or beatitude, as apprehended under its common notion;

because the ultimate end stands to things desirable just as first principles stand to things speculative. But the intellect knows first principles naturally. Therefore the will wills the ultimate end naturally. Add that on the part of the opposite of the good in common and of beatitude in common no reason of good can be apprehended.

[1] Here q. 10, a. 1, o.

> ***Dico 1°** : Voluntas movetur naturaliter et necessario, necessitate specificationis, ad bonum in communi, quia est ejus objectum[1]. Potentia autem naturaliter tendit in suum objectum, ita ut non possit oppositum : item ad ultimum finem, seu beatitudinem, sub communi notione apprehensam; quia sic se habet ultimus finis in appetibilibus, sicut prima principia in speculabilibus. Intellectus autem cognoscit naturaliter prima principia. Ergo voluntas vult naturaliter ultimum finem. Adde quod in opposito boni in communi et beatitudinis in communi nulla possit apprehendi ratio boni.*
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> [1] *Hic q. 10, a. 1, o.*

[3] **I say** 2°: The will can be moved by necessity with respect to specification by no particular good; because there is none which under any consideration, whether by reason of itself or by reason of something annexed to it, cannot be apprehended as not good, or as deficient from some good, since none is so perfect that nothing is wanting to it[1]. Nor with respect to exercise; because anyone, whatever particular good it be, can not think of it, and consequently not will it[2].

[1] *Ibid.*, a. 2, o.

[2] *Ibid.*

> ***Dico 2°** : Voluntas a nullo bono particulari moveri potest necessario quoad specificationem; quia nullum est quod secundum aliquam considerationem, sive ratione sui, sive ratione adjuncti, non possit apprehendi ut non bonum, seu ab aliquo bono deficiens, cum nullum sit ita perfectum, ut nihil ei deficiat[1]. Neque quoad exercitium; quia aliquis de quocumque bono particulari potest non cogitare, et per consequens non velle illud[2].*
>
> [1] *Ibid., a. 2, o.*
>
> [2] *Ibid.*

[4] **I say** 3°: The will is not moved by God of necessity, neither with respect to exercise nor with respect to specification, except in those things to which it is moved naturally[3]

[3] *Ibid.*, a. 4, o.

> ***Dico 3°** : Voluntas non movetur de necessitate a Deo, neque quoad exercitium, neque quoad specificationem, nisi in his ad quae naturaliter movetur[3]*
>
> [3] *Ibid., a. 4, o.*

[5] *It is proved*.[4] It does not belong to the divine providence, as Dionysius says, c. 4 of the *De Divin. nomin.*, to corrupt the nature of things, but to preserve it. Hence he moves all things according to their condition, so that from necessary causes necessary effects follow through the divine motion, but from contingent causes contingent effects follow. Since therefore the will is an active principle not determined to one thing, but standing indifferently toward many things, God moves it in such a way that he does not determine it of necessity to one thing, but its motion remains contingent and not necessary, except in those things to which it is moved naturally.

[4] *Ibid.*, ad 1.

> Prob.[4] *Ad providentiam divinam non pertinet, ut dicit Dionys., c. 4 de Divin. nomin., naturam rerum corrumpere, sed servare. Unde omnia movet secundum eorum conditionem, ita quod ex causis necessariis per motionem divinam sequuntur effectus ex necessitate, ex causis autem contingentibus sequuntur effectus contingentes. Quia igitur voluntas est activum principium non determinatum ad unum, sed indifferenter se habens ad multa, sic Deus ipsam movet, quod non ex necessitate ad unum determinat, sed remanet motus ejus contingens et non necessarius, nisi in his ad quae naturaliter movetur.*
>
> [4] *Ibid., ad 1.*

6 *You will object* 1°: Every agent that cannot be resisted moves of necessity. And who resists God's motion upon his will? Therefore.

> Obj. *1° : Omne agens cui resisti non potest, ex necessitate movet. Atqui Dei ad sui motionem voluntatis quis resistit? Ergo.*

7 *I answer.*[5] The divine will extends not only that something be done through the thing it moves, but also that it be done in that manner which suits its nature. And therefore it would repugn the divine motion more if the will were moved of necessity, which does not suit its nature, than if it were moved freely, as suits its nature.

[5] *Ibid.*, ad 1.

> Resp.[5] *quod voluntas divina non solum se extendit ut aliquid fiat per rem quam movet, sed ut etiam eo modo fiat quo congruit natura ipsius. Et ideo magis repugnaret divinae motioni, si voluntas ex necessitate moveretur, quod suae natura non competit, quam si moveretur libere, prout competit suae natura.*
>
> [5] *Ibid., ad 1.*

On the acts elicited by the will

1 [The action elicited by some power is called that of which the power itself is at once the immediate principle and subject. Thus vision is from the sense of sight and is in the sight; to imagine is the action of the imagination and existing in imagination, etc. Vision is said to be an action elicited by sight, and imagining an action elicited by the imagination or phantasy.

> *[Actio elicita alicujus potentiae illa dicitur cujus potentia ipsa est simul immediatum principium et subjectum. Ita visio est a sensu visus et est in visu; imaginari est actio imaginationis et in imaginatione existens, etc. Visio dicitur actio elicita a visu, et imaginari actio elicita ab imaginatione seu phantasia.*

2 To will is generically an act elicited by the will. However, according to the various mode in which it is borne toward objects, it acquires various names, not vain, but most useful to know. There are therefore five acts especially elicited by the will, namely intention, election, consent, use, and fruition: of which the first and last are about the end, the rest about those things which are toward the end, or means.

> *Velle est generice actus elicitus a voluntate. Attamen, pro vario modo quo fertur in objecta, varia sortitur nomina, non vana, sed scitu perutilia. Sunt itaque actus eliciti a voluntate quinque praecipue, nempe intentio, electio, consensus, usus et fruitio : quorum primus et ultimus sunt circa finem, reliqui vero circa ea quae sunt ad finem, seu media.*

3 1° Intention[1] etymologically taken signifies to tend into another. But both that which moves and that which is moved tend toward something which is an end. Yet the motion of that which is moved toward the end proceeds from the motion of that which moves it. Therefore to tend toward the end,

or intention of the end, is first and principally the action of one moving another toward the end. Yet the will moves all the other powers of the soul toward the end as to exercise. Therefore intention is an action of the will, namely that action whereby the will looks to the end as a term to be attained.

[1] 1-2a, q. 12, a. 1-5.

> *1° Intentio[1] etymologice accepta significat tendere in aliud. Tendunt autem in aliquid, quod est finis, tum movens, tum id quod movetur. At motus illius quod in finem movetur procedit a motione moventis ipsum. Ergo tendere in finem, seu intentio finis, est primo et principaliter actio moventis alia in finem. Atqui voluntas movet quoad exercitium omnes alias animae vires in finem. Ergo intentio est actio voluntatis, actio nempe qua voluntas respicit finem ut terminum consequendum.*
>
> *[1] 1-2a, q. 12, a. 1-5.*

[4] Since however the end is twofold, relative or intermediate, which is referred and conduces to another, and ultimate, in which one stops, intention must be considered in two ways, as the Angelic Doctor teaches and explains[2] : « The motion of the will toward the end and toward what is toward the end can be considered in two ways. In one way, according as the will is borne toward each absolutely and in itself; and thus they are simply two motions of the will toward each. In another way it can be considered according as the will is borne toward what is toward the end on account of the end; and thus one and the same in subject is the motion of the will tending to the end and toward what is toward the end. For when I say: 'I will medicine on account of health,' I designate but one motion of the will, whose reason is that the end is the reason of willing the things which are toward the end... And it is similar with the intellect; because if it consider principle and conclusion absolutely, there is diverse consideration of each; but in this, that it assents to the conclusion on account of the principles, there is but one act of the intellect. »

[2] Ibid., a. 4, o.

> *Cum autem finis duplex sit, relativus seu intermedius, qui ad alium refertur et conducit, et ultimus, in quo sistitur, dupliciter considerari debet intentio, ut docet et explicat Angelicus[2] : « Motus voluntatis in finem et in id quod est ad finem, potest considerari dupliciter. Uno modo, secundum quod voluntas fertur in utrumque absolute et secundum se; et sic sunt simpliciter duo motus voluntatis in utrumque. Alio modo potest considerari secundum quod voluntas fertur in id quod est ad finem propter finem ; et sic unus et idem subjecto motus voluntatis est tendere ad finem et in id quod est ad finem. Cum enim dico : « Volo medicinam propter sanitatem, » non designo nisi unum motum voluntatis, cujus ratio est, quia finis ratio est volendi ea quae sunt ad finem... Et est simile de intellectu; quia, si absolute principium et conclusionem consideret, diversa est consideratio utriusque; in hoc autem quod conclusioni propter principia assentit, est unus actus intellectus tantum. »*
>
> *[2] Ibid., a. 4, o.*

[5] 2° The second act of the will is election[1] , which is the essential endowment of liberty. Election however is « the preacception of one with respect to another, » and consequently supposes many things that can be chosen, at least willing and not willing. Whence in things determined to one, such as brutes, election has no place; for although brute animals take one thing before another, yet they do not determine themselves to it from themselves, as happens in election, but are determined by nature.

[1] Ibid., q. 13, a. 1-6.

2° Secundus actus voluntatis est electio[1], quae dos essentialis libertatis. Est autem electio « praeacceptio unius respectu alterius, » et consequenter supponit multa quae eligi possunt, saltem velle et non velle. Unde in his quae sunt determinata ad unum, ut bruta, electio locum non habet; licet enim bruta animantia unum prae alio accipiant, ad illud tamen non a seipsis se determinant, ut contingit in electione, sed a natura determinantur.

[1] Ibid., q. 13, a. 1-6.

6 I said that election is an act of the will. For although the election of the will be only in a good foreknown by reason, and therefore reason be said to concur formally to election, nevertheless the substance of the act, or the act materially taken, belongs to the will, not the intellect: for election is perfected in a certain motion of the soul toward the good chosen; but good is the object of the will. « It is manifest, says St. Thomas[2] , that reason in a manner precedes the will and orders its act, namely insofar as the will tends toward its object according to the order of reason, because the apprehensive power represents its object to the appetitive. Thus therefore that act whereby the will tends toward something proposed as good, from this that it is ordered through reason to an end, is materially of the will, formally indeed of reason. »

[2] Ibid., q. 15, a. 1, o.

Dixi quod electio est actus voluntatis. Licet enim voluntatis electio non sit nisi in bonum praecognitum a ratione, et ideo dicatur ratio formaliter concurrere ad electionem, nihilominus substantia actus, seu actus materialiter sumptus, est voluntatis, non intellectus : nam electio perficitur in motu quodam animae ad bonum quod eligitur; bonum autem est objectum voluntatis. « Manifestum est, ait S. Thomas[2], quod ratio quodammodo voluntatem praecedit et ordinat actum ejus, in quantum scilicet voluntas in suum objectum tendit secundum ordinem rationis, eo quod vis apprehensiva appetitivae suum objectum representat. Sic igitur ille actus quo voluntas tendit in aliquid quod proponitur ut bonum, ex eo quod per rationem est ordinatum ad finem, materialiter quidem est voluntatis, formaliter autem rationis. »

[2] Ibid., q. 15, a. 1, o.

7 Election however does not fall upon the end as end, but is concerned about means; for about the end is intention, not election. I said, « about the end as end; » for if the end itself be assumed as medium, as happens in intermediate and subordinate ends, nothing prohibits the end, because it becomes a medium, from being the object of election.

Electio autem non cadit in finem ut finis est, sed circa media agitur; nam circa finem est intentio, non electio. Dixi, « circa finem ut finis est ; » nam, si finis assumatur et ipse ut medium, sicut accidit in finibus intermediis et subordinatis, nihil prohibet finem, eo quod fit medium, esse objectum electionis.

8 Hence it is understood that several other acts precede election, partly on the side of the intellect, such as counsel, which is the intellectual inquiry concerning the means to be chosen; the discretive judgment concerning the apter means for attaining the end, etc.; partly on the side of the will, such as intention of the end, consent, and others.

Hinc intelligitur electioni praeire plures alios actus, tum ex parte intellectus, ut consilium, quod est inquisitio intellectiva de mediis eligendis; judicium discretivum de mediis aptioribus ad finem consequendum, etc.; tum ex parte voluntatis, ut intentio finis, consensus, et alii.

9 3° To consent, if you regard the etymon, is at once to sense, and imports the application of sense to something. Consensus is defined generically as « an act of the appetitive virtue adhering to some thing, » quasi namely taking a certain experience of appetite from the thing to which it adheres, insofar as it pleases itself in it. With respect however to the will, to which in man it pertains to

consent or not consent, it is « the adherence of the will to those things which are judged by the intellect useful for attaining the end. »

> *3° Consentire, si etymon spectes, est simul sentire, et importat applicationem sensus ad aliquid. Definitur autem generice consensus « actus appetitivae virtutis adhaerentis alicui rei, » quasi nempe experientiam quamdam appetitus sumat de re cui inhaeret, in quantum complacet sibi in ea. Respectu autem voluntatis, ad quam pertinet in homine consentire vel non consentire, est « voluntatis adhaesio iis quae ab intellectu censentur utilia ad finem consequendum. »*

10 Hence it is manifest that consensus is not of the end but of the means toward the end. But consensus differs from election in this, that election adds above consensus a certain relation with respect to that toward which something is pre-elected; and therefore after consensus election still remains. For it can happen that through counsel many things are found leading to the end, and while each pleases, one consents to each; but from the many that please we pre-elect one, by electing.

> *Hinc manifestum est consensum non esse de fine, sed de mediis ad finem. Differt autem consensus ab electione, in hoc quod electio addit supra consensum quamdam relationem respectu ejus cui aliquid praeeligitur, et ideo post consensum adhuc remanet electio. Potest enim contingere quod per consilium inveniantur plura ducentia ad finem, quorum dum quodlibet placet, in quodlibet eorum consentitur; sed ex multis quae placent praecipimus unum, eligendo.*

11 This consensus, as appears of itself, supposes dominion over one's own act. It belongs therefore not to brutes [1] , which have not the appetitive motion in their own power, because such motion in them is from the instinct of nature; for they are rather acted upon than acting themselves toward the end. Consequently even in man himself the motion of the sensitive appetite, regarded in itself, is not properly consensus, because it lacks liberty. So long therefore as the will does not in any way consent to those sensitive motions, although sometimes they be so vehement that they seem voluntary, they are neither acts of vice nor of virtue, because they are not human acts, as Augustine observed, saying lib. XII de Trinit., c. 12, n. 17 : « The sensual motion of the soul which is common to us and to beasts is shut off from the wisdom of reason. »

1 Ibid., q. 15, a. 1, o.

> *Consensus iste, ut ex se patet, supponit dominium proprii actus. Brutis ergo non competit[1], quae appetitivum motum non habent in sua potestate, quia talis motus in eis est ex instinctu naturae; nam magis aguntur quam se agunt in finem. Consequenter et in homine ipso motus appetitus sensitivi, in se spectatus, non est proprie consensus, quia libertate caret. Quamdiu ergo aliquo modo illis motibus sensitivis voluntas non consentit, quamvis sint aliquando ita vehementes ut videantur voluntarii, neque sunt actus vitii, neque virtutis, quia non sunt actus humani, ut animadvertit Augustinus, dicens lib. XII de Trinit., c. 12, n. 17 : « Sensualis animae motus qui nobis pecoribusque communis est, seclusus est a ratione sapientia. »*
>
> *1 Ibid., q. 15, a. 1, o.*

12 [2]

2 Ibid., a. 2, o.

> *2*
>
> *2 Ibid., a. 2, o.*

13 4° The election of the will is followed by use, which, as Augustine says in lib. X de Trinit., c. 11, n. 17, « is the assumption of some thing into the faculty of the will; » whence the same Doctor says, ibid., that « use is in the will. » For as to consent is to apply appetite to something to be desired, so to

use is to apply some principle of action to action. « Use of some thing, says the Angelic Doctor[1] , imports the application of that thing to some operation: whence also the operation to which we apply some thing is called its use, just as riding is the use of a horse and striking the use of a staff. But we apply to operation both the interior principles of acting, namely the very powers of the soul, or the members of the body, as the intellect to understanding and the eye to seeing; and exterior things, as the staff to striking. But it is manifest that we do not apply exterior things to any operation except through the intrinsic principles, which are the powers of the soul, as habits of the powers, or organs, which are the members of the body... Whence it is manifest that to use belongs first and principally to the will as first mover, to reason as director, but to other powers as executors, which are compared to the will, by which they are applied to acting, as instruments to the principal agent. »

1 Ibid., l. 16, a. 1, c.

> *4° Electionem voluntatis sequitur usus, qui, ut Augustinus dicit in lib. X de Trinit., c. 11, n. 17, « est assumptio alicujus in facultatem voluntatis ; » unde dicit idem Doctor, ibid., quod « usus in voluntate est. » Sicut enim consentire est applicare appetitum ad aliquid appetendum, ita uti est applicare aliquod principium actionis ad actionem. « Usus rei alicujus, ait Angelicus[1], importat applicationem rei illius ad aliquam operationem : unde et operatio ad quam applicamus rem aliquam dicitur usus ejus, sicut equitare est usus equi et percutere est usus baculi. Ad operationem autem applicamus, et principia interiora agendi, scilicet ipsas potentias animae, vel membra corporis, ut intellectum ad intelligendum et oculum ad videndum; et res exteriores, sicut baculum ad percutiendum. Sed manifestum est quod res exteriores non applicamus ad aliquam operationem nisi per principia intrinseca, quae sunt potentiae animae, ut habitus potentiarum, aut organa, quae sunt corporis membra... Unde manifestum est quod uti primo et principaliter est voluntatis tamquam primi moventis, rationis autem tamquam dirigentis, sed aliarum potentiarum tamquam exsequentium, quae comparantur ad voluntatem, a qua applicantur ad agendum, sicut instrumenta ad principale agens. »*
>
> *1 Ibid., l. 16, a. 1, c.*

14 Hence it follows that use is of means, not of the end as end, which is not ordered to anything else, as I said of election.

> *Hinc sequitur, usum esse de mediis, non autem de fine ut finis est, qui ad aliud non ordinatur, ut dixi de electione.*

15 Likewise use belongs not to the animal part [2] , but only to the rational. For to apply something to another is only of him who has dominion over that which is applied. Dominion however, or arbitrium, necessarily supposes reason, whereby one can be referred to another, as is known from the notion of free will.

2 Ibid., a. 2, c.

> *Pariter usus non convenit parti animali[2], sed rationali tantummodo. Applicare enim aliquid ad alterum, non est nisi ejus quod habet dominium super illud quod applicatur. Dominium autem, seu arbitrium, necessario supponit rationem, qua unum referri potest ad alterum, ut ex notione liberi arbitrii notum est.*
>
> *2 Ibid., a. 2, c.*

16 5° Fruition is « the love or delight wherewith the will adheres to some thing on account of the thing itself. » This Augustine teaches lib. X de Trinit., c. 10, n. 13 : « We enjoy, he says, things known, in which the will, delighted by them for their own sake, rests; but we use those things which we refer to something else whereby we are to enjoy. » Here you have the difference between fruition and use.

5° Fruitio est « amor seu delectatio qua voluntas inhaeret alicui rei propter rem ipsam. » Hoc docet Augustinus lib. X de Trinit., c. 10, n. 13 : « Fruimur, inquit, cognitis, in quibus voluntas ipsis propter seipsa delectata conquiescit ; utimur vero eis quae ad aliud referimus quo fruendum est. » Habes hic differentiam inter fruitionem et usum.

17 « From sensible fruits, says the Angelic Doctor[1] , the name of fruition seems derived. But sensible fruit is that which is expected last from the tree and received with a certain relish. Whence fruition seems to pertain to the love or delight which anyone has concerning the last expected thing, which is the end. But the end and good is the object of the appetitive power. Whence it is manifest that fruition is an act of the appetitive power. » That however fruition pertains to love, Augustine teaches lib. I de Doctrina christ., c. 4, n. 4, saying: « To enjoy is to adhere to something by love for its own sake. » Yet love pertains to the appetitive power. Therefore also to enjoy is an act of the appetitive power [2] .

1 Ibid., q. 11, a. 1, c.

2 Ibid., in arg. Sed contra.

« A sensibilibus fructibus, ait Angelicus[1], nomen fruitionis derivatum videtur. Fructus autem sensibilis est id quod ultimum ex arbore expectatur et cum quadam sanitate percipitur. Unde fruitio pertinere videtur ad amorem vel delectationem quam aliquis habet de ultimo expectato, quod est finis. Finis autem et bonum est objectum appetitivae potentiae. Unde manifestum est quod fruitio est actus appetitivae potentiae. » Quod vero fruitio pertineat ad amorem, Augustinus hoc docet lib. I de Doctrina christ., c. 4, n. 4, dicens : « Frui est amore alicujus rei inhaerere propter seipsam. » Atqui amor pertinet ad appetitivam potentiam. Ergo et frui est actus appetitivae potentiae[2].

1 Ibid., q. 11, a. 1, c.

2 Ibid., in arg. Sed contra.

18 Aptly Augustine says in the place cited above that « we enjoy things known. » For where there is no knowledge, no delight can be given; but where there is knowledge, there fruition is had.

Apposite Augustinus dicit loco supra cit. quod « fruimur cognitis. » Ubi enim nulla est cognitio, nulla delectatio dari potest; at ubi cognitio est, ibi datur fruitio.

19 Hence « to enjoy food and any bodily pleasure is not absurdly thought to belong also to beasts, » as the same Aug. says in lib. LXXXIII quaest., q. 30, since beasts too lack not some cognition. Yet imperfect is the cognition in beasts whereby the end and good is known particularly, because their appetitive powers are not freely commanding, but moved according to natural instinct toward those things they apprehend. But we know perfectly the end and good, who rise up to the universal notion of end and good through the intellect. Whence, as the Angelic Doctor concludes [3] , « to rational nature belongs fruition according to perfect reason, but to brute animals according to imperfect reason, while to other creatures in no way. »

3 Ibid., a. 2, c.

Hinc « frui quidem cibo et qualibet corporali voluptate non absurde existimantur et bestiae, » ut idem Aug. ait in lib. LXXXIII quaest., q. 30, quia et bestiae aliqua cognitione non carent. Atqui imperfecta est in bestiis cognitio qua noscitur particulariter finis et bonum, quia earum virtutes appetitiva non sunt imperantes libere, sed secundum naturalem instinctum ad ea quae apprehendunt moventur. Nos autem perfecte finem et bonum cognoscimus, qui ad universalem rationem finis et boni per intellectum assurgimus. Unde, ut concludit Angelicus[3], « rationali natura convenit fruitio

secundum rationem perfectam, brutis autem animalibus secundum rationem imperfectam, aliis autem creaturis nullo modo. »

[3] *Ibid., a. 2, c.*

20 It follows from the foregoing that perfect fruition is of the ultimate end only [4] . For fruition is the rest of the will.

[4] Ibid., a. 4, c.

Consequitur ex supra dictis quod fruitio perfecta est de ultimo fine tantum[4]. Fruitio enim est quies voluntatis.

[4] *Ibid., a. 4, c.*

21 But rest is found perfectly only in possession of the ultimate end, which is the complete good and term of the will. From which it must be concluded that, although some imperfect fruition can be had even of the ultimate end not yet really possessed but only intended, nevertheless perfect fruition cannot be in the soul except from real possession of the ultimate end itself.

Quies autem perfecte non invenitur nisi in possessione ultimi finis, qui est bonum completum et terminus voluntatis. Ex quo concludendum est quod, quamvis aliqua imperfecta fruitio possit haberi etiam de fine ultimo nondum realiter habito, sed tantum in intentione, perfecta tamen fruitio in anima esse non potest nisi ex reali possessione ipsius finis ultimi.

On the acts commanded by the will (St. Thomas, q. 17)

1 *You will ask* 1° whether there is in man dominion with respect to himself and his operations.

Petes *1° utrum detur in homine imperium respectu sui et suarum operationum.*

2 *I answer.* affirmatively[1]. Because, besides election, there is given in the will an active use. Therefore, besides the judgment directing election, there must be given another act in the intellect directing the use and execution, which is called dominion or command. The consequence is clear, because the will never operates without the direction of the intellect. The antecedent also holds, because election is concerned with the means in the order of intention, as it is future and the effect of the end. Active use is concerned with the same mean in the order of execution, as it is present and the efficient cause of the end had in reality. Therefore these two acts are concerned with formally distinct objects, although they are materially the same. — I subjoin. But acts are essentially distinguished according to formally distinct objects. Therefore. — Moreover, where there is a new and distinct difficulty, there is required a new and distinct act. But in execution a new, distinct, and far greater difficulty is found than in election, as is evident to all. For how many are there who choose easily and fail in execution!

[1] Here q. 17, a. 3, ad 1.

Resp. *affirmative[1]. Quia, praeter electionem, datur in voluntate usus activus. Ergo, praeter judicium regens electionem, debet dari alter actus in intellectu regens usum et executionem, qui dicitur imperium. Patet consequentia, quia voluntas nunquam operatur sine directione intellectus. Antecedens etiam constat, quia electio versatur circa medium in ordine intentionis, ut est futurum et effectus finis. Usus activus versatur circa idem medium in ordine executionis, ut est praesens et causa efficiens finis habiti in re. Ergo isti duo actus versantur circa objecta formaliter distincta, licet sint materialiter idem. — Subsumo. Atqui actus essentialiter distinguuntur penes objecta formaliter distincta. Ergo. — Insuper, ubi est nova et distincta difficultas, ibi requiritus novus et distinctus actus. Atqui in executione, nova, distincta et longe major difficultas reperitur quam in electione, ut omnibus pervium est. Quot sunt enim qui facile eligunt, et in executione deficiunt !*

[1] *Hic q. 17, a. 3, ad 1.*

[3] *You will ask* 2° whether command is an act of reason or of will.

Petes 2° *utrum imperium sit actus rationis vel voluntatis.*

[4] *I answer.* 1[1]. Command is substantially an act of reason, presupposing an act of the will by whose power reason moves through command to the exercise of an act.

[1] *Ibid.*, a. 1, c.

Resp. *1[1]. Imperium est substantialiter actus rationis, praesupposito actu voluntatis in cujus virtute ratio movet per imperium ad exercitium actus.*

[1] *Ibid., a. 1, c.*

[5] *It is proved.* To command says three things: first, to order him who is commanded to the doing of the work and to the means to be executed here and now for attaining the end; second, to intimate or declare the work to be done, not in the indicative mode, saying: « This is to be done, » as would be by a discriminative judgment, but in the imperative mode, saying: « Do this; » third, to move him or the power that is commanded to the execution of the work. But these three things belong to reason. 1° To order is to refer or compare one thing to another; which, since it is something intelligible, is proper to reason. 2° To intimate or declare is to make manifest and to speak; which also pertains to the intellect. 3° Although it belongs to the will per se primo to move, because it is the first mover to exercise, it nevertheless belongs secondarily and participatively to the intellect, from a preceding act of the will, because the virtue of the prior act remains in the following act: whence, as in election there remains something of the virtue of the preceding act of counsel, namely the order of the means, so in command there remains something of the virtue of election, namely the efficacy of moving.

Prob. *Imperare tria dicit : primum, ordinare eum cui imperatur ad opus faciendum et media hic et nunc exequenda ad finem consequendum; secundum, intimare seu denuntiare opus faciendum, non indicativo modo, dicendo : « Hoc est faciendum, » ut sit per judicium discretivum, sed imperativo modo, dicendo : « Fac hoc; » tertium, movere ipsum seu potentiam cui imperatur ad operis executionem. Atqui haec tria sunt rationis. 1° Ordinare, est conferre seu comparare unum ad aliud; quod, cum sit aliquid intelligibile, est proprium rationis. 2° Intimare seu denuntiare, est manifestare et loqui; quod etiam pertinet ad intellectum. 3° Quamvis voluntati per se primo conveniat movere, quia est primum movens ad exercitium, convenit tamen secundario et participative intellectui, ex actu praecedente voluntatis, quia virtus prioris actus remanet in actu sequenti : unde, sicut in electione remanet aliquid de virtute actus consilii praecedentis, scilicet ordo mediorum, ita in imperio remanet aliquid de virtute electionis, nempe efficacia movendi.*

[6] Therefore command is an act of reason, presupposing an act of the will, by whose power reason moves through command to the exercise of an act.

Ergo imperium est actus rationis, praesupposito actu voluntatis, in cujus virtute ratio movet per imperium ad exercitium actus.

[7] *You will ask* 3° which acts are subject to the command of reason.

Petes 3° *quinam actus subjiciantur imperio rationis.*

[8] *I answer.*[2] and let this be the general rule: Those acts which are in our power and arbitrement, and to which persuasive reason can move us, can be commanded; but those which are not in our power and arbitrement, and to which persuasive reason cannot move us, cannot be commanded. This rule is

gathered from the very nature of command. For to command belongs to a superior governing and having the power to move and oblige so that he be obeyed; otherwise command would be vain.

2 *Ibid.*, a. 5-9, c.

> Resp.[2] *et sit regula generalis : Illi actus qui sunt in potestate et arbitrio nostro, et ad quos ratio suadens movere nos potest, imperari possunt; hi vero qui non sunt in potestate et arbitrio nostro, et ad quos ratio suadens nos movere non potest, imperari non possunt. Colligitur haec regula ex ipsa natura imperii. Imperare enim est superioris gubernantis et potestatem habentis ad movendum et obligandum ut sibi obediatur, alioquin inane foret imperium.*
>
> 2 *Ibid., a. 5-9, c.*

9 From this general rule you will deduce which acts in particular are subject, or not subject, to the command of reason[1].

1 St. Thomas here considers from art. 5 to 9 whether there are commanded acts of the will, of reason, of the sensitive appetite, of the vegetative soul, and of the exterior members. See the solutions there.

> *Ex hac regula generali deduces quinam actus in particulari subjiciantur vel non subjiciantur imperio rationis*[1].
>
> 1 *S. Thomas, hic ab art. 5 ad 9, perpendit an sint imperati actus voluntatis, rationis, appetitus sensitivi, animae vegetativa, et exteriorum membrorum. Quaere ibi solutiones.*

On Human Acts in Their Moral Being

1 **DISSERTATION IV**

> ***DISSERTATIO IV***

2 **ON HUMAN ACTS IN ESSE MORIS.** St. Thomas, qq. 18, 19 and 20.

> ***DE ACTIBUS HUMANIS IN ESSE MORIS.*** *D. Thomas, qq. 18, 19 et 20.*

In what the morality of human acts in general consists?

1 A moral act can be defined : « An act proceeding from deliberate will, with subjection to the rules of morals, » which are eternal law and right reason.

> *Actus moralis definiri potest : « Actus procedens a deliberata voluntate cum subjectione ad regulas morum, » quae sunt lex aeterna et recta ratio.*

2 **I say** 1° : Morality in common does not consist in extrinsic denomination drawn from the rules of morals.

> ***Dico** 1° : Moralitas in communi non consistit in denominatione extrinseca petita a regulis morum.*

3 *It is proved*[2]. Moral being, and above all moral goodness, is a perfection existing in human acts on the side of the thing, caused by virtue, by free will, and by God. Therefore it is not mere extrinsic denomination and being of reason.

2 Here q. 18, a. 4, ad 2.

> Probatur[2]. *Esse morale, et praesertim bonitas moralis, est perfectio in actibus humanis existens a parte rei, causata a virtutibus, a voluntate libera et a Deo. Ergo non est mera denominatio extrinseca et ens rationis.*
>
> 2 *Hic q. 18, a. 4, ad 2.*

4 *It is confirmed.* God rewards and punishes unto eternity on account of acts good or bad morally. But it is absurd that eternal reward, or torment, be decreed on account of extrinsic denominations and beings of reason. Therefore.

> Confirmatur. *Deus remunerat et punit in aeternum propter actus bonos vel malos moraliter. Atqui absurdum est quod aeternum premium, aut supplicium, decernat propter denominationes extrinsecas et entia rationis. Ergo.*

5 **I say** 2° : Liberty is requisite unto morality; nevertheless morality does not formally consist therein.

> ***Dico** 2° : Libertas requiritur ad moralitatem, non tamen moralitas formaliter in ea consistit.*

6 The first part stands established, because necessary acts are not subjected to the rules of morals, nor are they directible by them, but only free acts; for in vain would law be applied to a necessary and unvarying act. Therefore liberty is the foundation, or condition sine qua non, of morality. And therefore the Angelic Doctor says : « There begins the genus of morals where dominion of will is first found. »

> *Prima pars constat, quia actus necessarii non subjiciuntur regulis morum, nec ab eis sunt dirigibiles, sed soli actus liberi; frustra enim adhiberetur lex actui necessario et invariabili. Est ergo libertas fundamentum aut conditio sine qua non moralitatis. Et ideo Doctor Angelicus dicit : « Ibi incipit genus moris, ubi primo dominium voluntatis invenitur. »*

7 *Proof* of the second part. Liberty is conceived in the act before morality. For by this very fact that an act going forth from will under indifference of judgment is conceived, it is conceived free, and not yet moral, because not yet conceived the law to which it be subjected : nay, granting there were no law or rule of morals, it would still be conceived free, and there would be no morality. Therefore.

> Probatur *secunda pars. Prius concipitur in actu libertas quam moralitas. Hoc ipso enim quo concipitur actus egredi a voluntate sub indifferentia judicii, concipitur liber, et nondum moralis, quia nondum concipitur lex cui subjiciatur : imo, dato quod non esset lex seu regula morum, adhuc conciperetur liber, et non esset moralitas. Ergo.*

8 *It is confirmed.* To be free pertains to the order of nature; for thereby are free agents distinguished from those not free. Therefore.

> Confirmatur. *Esse liberum pertinet ad ordinem naturae; eo enim distinguuntur agentia libera a non liberis. Ergo.*

9 **I say** 3° : Morality in common consists formally in tendence, or real transcendental relation, toward the object subjected to the rules of morals.

> ***Dico** 3° : Moralitas in communi consistit formaliter in tendentia seu relatione reali transcendentali ad objectum subditum regulis morum.*

10 *It is proved.* In the same manner, proportion being preserved, must one speak of the act in esse moris as of the act in esse naturae; for the act in physical esse is the foundation of the act as moral. But the act in esse naturae is constituted formally through order and real transcendental tendence toward the object considered in esse naturae or physically; for it compares to the object as motion and way to term. Therefore the moral act is constituted formally through order and real transcendental tendence toward the object considered in esse moris, that is, as subjected and regulable through the rules of morals.

> Probatur. *Eodem modo, proportione servata, loquendum est de actu in esse moris, sicut de actu in esse naturae; actus enim in esse physico est fundamentum actus ut moralis. Atqui actus in esse naturae constituitur formaliter per ordinem et tendentiam realem transcendentalem ad objectum in esse naturae seu physico consideratum; comparatur enim ad*

objectum ut motus et via ad terminum. Ergo actus moralis constituitur formaliter per ordinem et tendentiam realem transcendentalem ad objectum in esse moris consideratum, id est, ut subditum et regulabile per regulas morum.

11 *You will ask* how many be the species of morality.

Petes *quot sint species moralitatis.*

12 *Answer.* It stands agreed among all that goodness and badness are species of morality. Goodness is real transcendental order toward an object consonant with the rules of morals. Badness, if placed positively, it is plain that it is a real order of the act toward an object dissonant from the rules of morals; but if placed privatively, it will be privation of consonance and rectitude.

Resp. *Constat apud omnes, bonitatem et malitiam esse species moralitatis. Bonitas est ordo realis transcendentalis ad objectum consonum regulis morum. Malitia, si reponatur in positivo, patet quod sit ordo realis actus ad objectum dissonum regulis morum; si autem reponatur in privativo, erit privatio consonantiae et rectitudinis.*

13 How in this opinion it is saved that badness be a species of morality, we shall try to explain in the treatise on Sins, where this difficulty will be ventilated more fully.

Quomodo in hac sententia salvatur quod sit species moralitatis, conabimur explicare in tractatu de Peccatis, ubi haec difficultas plenius ventilabitur.

14 The difficulty here is whether indifference also be a species of morality. Both sides are disputed among the Thomists.

Difficultas est hic, an indifferentia sit etiam species moralitatis. Utrumque disputatur inter Thomistas.

15 It seems to us somewhat more probable that indifference be a species of morality; because St. Thomas, below, q. 92, a. 2, c., teaches that law has three acts, namely to forbid, to command, and to permit; and adds : « There are moreover three differences of human acts. Some acts are good from their own genus...; and with respect to these is placed the act of law commanding or imperating... Some indeed are acts evil from their own genus, as vicious acts ; and with respect to these law has to forbid. But some are acts indifferent from their own genus ; and with respect to these law has to permit. » — I subjoin. But that act is truly and formally moral which is subjected to law, and concerning which law has a special act. Therefore.

Videtur nobis aliquatenus probabilius, indifferentiam esse speciem moralitatis; quia S. Thomas, infra, q. 92, a. 2, c., docet legem habere tres actus, scilicet prohibere, praecipere et permittere; et addit : « Sunt autem tres differentiae humanorum actuum. Quidam actus sunt boni ex genere suo...; et respectu horum ponitur legis actus praecipere vel imperare... Quidam vero sunt actus mali ex genere suo, sicut actus vitiosi ; et respectu horum lex habet prohibere. Quidam vero ex genere suo sunt actus indifferentes ; et respectu horum lex habet permittere. » — Subsumo. Atqui iste actus est vere et formaliter moralis, qui subjicitur legi, et circa quem lex habet specialem actum. Ergo.

16 This reason of St. Thomas is further strengthened. That act is truly moral which proceeds from deliberate will with positive subjection to the rules of morals. But an act indifferent from its object can proceed from deliberate will with positive subjection to the rules of morals. Therefore. — *Proof* of the minor. He who doubts whether some work be licit — suppose, whether it be licit to labor today — suspends the work, consults the law or reason, nor indulges in labor unless previously the law or reason has answered that no feast day falls, that it is licit to labor. He, as is evident, acts deliberately and with subjection to the law which he first consults and to which he subjects himself so far, that he

would abstain from the work if the law forbade it, and he exercises it because he sees it not forbidden by the law, but left most free to him through it. Which assuredly is altogether to subject oneself to the law and to be ruled through the law, not to refuse the disposition of the law, as the opposite opinion says.

> *Magis instauratur haec ratio D. Thomae. Ille actus est vere moralis, qui procedit a deliberata voluntate cum subjectione positiva ad regulas morum. Atqui actus ex objecto indifferens potest procedere a deliberata voluntate cum subjectione positiva ad regulas morum. Ergo.* — Prob. *min. In eo qui dubius an aliquod opus liceat, puta an liceat hodie laborare, opus suspendit, consulit legem aut rationem, nec labori indulget, nisi prius lex aut ratio responderit, non agi diem festum, licere laborare. Ille, ut evidens est, deliberate agit et cum subjectione ad legem quam prius consulit et cui ita subjicitur, ut ab opere abstineret, si lex prohiberet, atque illud exercet, quia videt illud non prohiberi a lege, sed per eam ei relinqui liberrum. Quod sane est omnino subjici legi et per legem regulari, non legis dispositionem denegari, ut dicit opposita sententia.*

On the principles of morality

1 By principles of morality we understand all those things from which it comes about that act be good, or evil, or indifferent. The Author assigns three here q. 18, a. 2, 3 et 4, namely object, circumstances and end. For although the end is also a circumstance, since nevertheless it influences action most greatly, therefore the Holy Doctor treats specially of it, and with him commonly theologians. But those things which are wont to be disputed concerning these three principles of morality we shall weigh in this article through several paragraphs. Whence be

> *Principia moralitatis intelligimus ea omnia ex quibus fit quod actus sit vel bonus, vel malus, vel indifferens. Tria assignat Author hic q. 18, a. 2, 3 et 4, scilicet objectum, circumstantias et finem. Quamvis enim finis sit etiam circumstantia, quia tamen maxime influit in actionem, ideo specialiter de illo tractat S. Doctor et cum eo communiter theologi. Quae vero disputari solent circa haec tria moralitatis principia, in hoc articulo per varios paragraphos expendemus. Unde sit*

2 **§ I. — Whether the first and specific goodness or malice of human act is from the object ?**

> ***§ I. — Utrum prima et specifica bonitas vel malitia actus humani sit ex objecto ?***

3 By object we understand here not whatsoever is objected to the will, for thus the very circumstances would also be its object; but that which is first and per se attained by the will.

> *Per objectum hic non intelligimus quidquid objicitur voluntati, sic enim ipsae circumstantiae forent etiam ejus objectum; sed id quod primo et per se attingitur a voluntate.*

4 **I say** 1° : The first and essential goodness, or malice of human act, is drawn from the object morally considered[1].

1 Here q. 18, a. 2, c.

> ***Dico** 1° : Prima et essentialis bonitas, vel malitia actus humani, desumitur ab objecto moraliter considerato[1].*
>
> *1 Hic q. 18, a. 2, c.*

5 It is proved. As in naturals first and essential goodness is taken from form which gives species, as in man from rational form, and the first evil from defect of form which gives species, as if generated thing does not attain specific form, suppose man be not generated but something in place of man ; so in morals first and essential goodness is regarded from form giving species to human act, and first malice from defect of this form. But form giving species to human act is the object. Therefore. — The

minor is proved. Human act is motion and tending toward object as toward term. But motion and tending regards term as proper form; for it is compared to it as potency to act, perfectible and determinable to perfective and determinative. Therefore.

> Probatur. *Sicut in naturalibus prima et essentialis bonitas sumitur a forma quae dat speciem, ut in homine a forma rationali, et primum malum ex defectu formae quae dat speciem, ut si res generata non consequitur formam specificam, puta si non generetur homo, sed aliquid loco hominis ; ita in moralibus prima et essentialis bonitas attenditur ex forma quae dat speciem actui humano, et prima malitia ex hujus formae defectu. Atqui forma dans speciem actui humano, est objectum. Ergo.* — Prob. *min. Actus humanus est motus et tendentia ad objectum sicut ad terminum. Atqui motus et tendentia respicit terminum ut formam propriam; comparatur enim ad illum ut potentia ad actum, perfectibile et determinabile ad perfectivum et determinativum. Ergo.*

6 I said : « From object morally considered, » because around same object physically considered acts specifically diverse can turn, good and evil: as around same thing alien, act of injustice, taking away, act of justice, restoring; around same wife adultery and conjugal act; around same man love and hatred.

> *Dixi : « Ex objecto moraliter considerato, » quia circa idem objectum physice consideratum possunt versari actus specie diversi, bonus et malus : ut circa eamdem rem alienam, actus injustitiae, auferendo, actus justitiae, restituendo ; circa eamdem uxorem adulterium et actus conjugalis ; circa eumdem hominem amor et odium.*

7 Object must therefore be taken morally, and as it stands to directing reason, and is conformable or disconformable to it.

> *Debet ergo sumi objectum moraliter, et prout rationi dirigenti substat, eique est conforme vel difforme.*

8 *You will say*. Human act draws first and specific morality from what it first regards. But it regards the end, as St. Thomas teaches here a. 6, c., and above q. 1, a. 3, c. And it is clear because object is willed on account of end. Therefore end is prior willed.

> Dices. *Actus humanus primam et specificam moralitatem desumit ab eo quod primo respicit. Atqui respicit finem, ut docet S. Thomas hic a. 6, c., et supra q. 1, a. 3, c. Et patet quia objectum est volitum propter finem. Ergo finis est prius volitus.*

9 *I answer.* I distinguish the minor. Human act first regards end of work, *I concede*; end of worker, *I deny*. End of work, which also is called intrinsic, coincides with object; end of worker comes to it from extrinsic and accidentally, so that without it the same act could stand.

> Resp. *Dist. min. Actus humanus primo respicit finem operis,* conc.*; finem operantis,* nego. *Finis operis, qui et dicitur intrinsecus, coincidit cum objecto; finis operantis illi advenit ab extrinseco et accidentaliter, ita ut sine illo staret idem actus.*

10 Whether and how human act takes goodness or malice from circumstances and from end ?

> *Utrum et quomodo actus humanus sumat bonitatem vel malitiam ex circumstantiis et ex fine ?*

11 **TO BE NOTED BEFOREHAND**

> ***PRENOTANDA***

12 1° Circumstance is « an accident of human act, morally affecting it already constituted in moral being [1] ».

[1] Here q. 7, a. 1, c.

> *1° Circumstantia est « accidens actus humani, ipsum in esse morali jam constitutum moraliter afficiens[1] ».*
>
> [1] *Hic q. 7, a. 1, c.*

13 It is explained [2]. It is called accident, because circumstance is said metaphorically from place. Therefore as in local things that is said to stand around something which is indeed extrinsic to it, yet attains it or approaches it; so in morals circumstance is said to be that which is outside substance of act, yet attaining it somehow. But what is outside substance of thing, as being such that without it the thing can be and be conceived, pertains nevertheless to itself, is called its accident. So is, e.g., circumstance of sacred place respecting theft.

[2] Ibid.

> Explicatur[2]. *Dicitur accidens, quia circumstantia dicitur metaphorice a loco. Sicut ergo illud in localibus dicitur circumstare aliquid, quod est quidem ei extrinsecum, ipsum tamen attingit aut ei appropinquat; ita in moralibus circumstantia dicitur id quod est extra substantiam actus, ipsum tamen aliquo modo attingens. Quod autem est extra rei substantiam, utpote sine quo res esse et concipi potest, ad ipsam tamen pertinet, dicitur ejus accidens. Sic est, v. g., circumstantia loci sacri respectu furti.*
>
> [2] *Ibid.*

14 It is said, « affecting human act already constituted in moral being, » because, if it gave first and essential moral species, it would no longer be circumstance, but would pass into condition of object and essential difference.

> *Dicitur, « afficiens actum humanum in esse morali jam constitutum, » quia, si daret primam et essentialem speciem moralem, jam non esset circumstantia, sed transiret in conditionem objecti et differentiae essentialis.*

15 It is said, « morally affecting it, » that is, modifying it in ordine to rules of morals; because, if it affect physically, it will indeed be circumstance of act qua physical, not qua moral, as that one give alms in gold or silver, morning or evening, with right or left hand; of which there is not question here.

> *Dicitur, « ipsum moraliter afficiens, » id est, ipsum modificans in ordine ad regulas morum; quia, si afficiat physice, erit quidem circumstantia actus qua physicus est, non qua moralis, ut quod quis det eleemosynam in auro vel argento, mane vel vesperi, manu dextera vel sinistra; de quo non est hic quaestio.*

16 2° Seven circumstances of human acts are commonly assigned, comprehended in this verse: Quis, quid, ubi, quibus auxiliis, cur, quomodo, quando[1]. For in acts must be considered, who did it, with what aids or instruments he did it, what he did, where he did it, why he did it, how he did it, and when he did it.

[1] Ibid., a. 3, c. — These circumstances were enumerated by Aristotle in III Ethic., c. 2 vel 3, and by Cicero in his Rhetorica.

> *2° Assignantur communiter septem circumstantiae actuum humanorum, hoc versu comprehensae : Quis, quid, ubi, quibus auxiliis, cur, quomodo, quando[1]. In actibus enim considerandum est, quis fecit, quibus auxiliis aut instrumentis fecerit, quid fecerit, ubi fecerit, cur fecerit, quomodo fecerit, et quando fecerit.*
>
> [1] *Ibid., a. 3, c. — Haec circumstantiae enumeratae sunt ab Aristotele in III Ethic., c. 2 vel 3, et a Cicerone in sua Rhetorica.*

17 Note, these things which we recounted, in order that they be circumstances, are not to be taken insofar as substance of act depends upon them, but insofar as they affect it accidentally. Whence

> *Adverte, haec quae recensuimus, ut sint circumstantiae, non esse accipienda quatenus ab eis dependet substantia actus, sed quatenus ipsum accidentaliter afficiunt. Unde*

18 Quis, signifies not substance of agent, but its quality, e.g., that he be priest, religious or layman, unmarried or married, rich or poor, superior or subject.

> *Quis, non significat substantiam agentis, sed ejus qualitatem, v. g., quod sit sacerdos, religiosus vel laicus, solutus vel conjugatus, dives vel pauper, superior vel subditus.*

19 Quid, denotes likewise not substance of effect, but some accident joined to it, suppose quality or quantity : e.g., in theft, it denotes not that stolen thing be alien, for that pertains to substance of theft, but that it be sacred or profane, that it be of great or small quantity; in homicide, that slain one be parent or cleric; in lust, that partner be kinswoman or wedded one, etc.

> *Quid, non denotat pariter substantiam effectus, sed aliquid accidens ipsi conjunctum, puta qualitatem vel quantitatem : v. g., in furto, non denotat quod res furtiva sit aliena, id enim pertinet ad substantiam furti, sed quod sit sacra vel profana, quod sit magnae vel parvae quantitatis; in homicidio, quod occisus sit parens vel clericus; in luxuria, quod complex sit consanguinea vel nupta, etc.*

20 Ubi, signifies not bare place, certain it is that act done somewhere is done somewhere, but quality of place: as that it be public, sacred, etc.; for if fornication take place in public place, scandal arises, if in sacred place, it is sacrilege.

> *Ubi, non significat nudum locum, certum est enim actum qui fit alicubi fieri, sed qualitatem loci : ut quod sit publicus, sacer, etc.; si enim fornicatio fiat in loco publico, oritur scandalum, si in loco sacro, est sacrilegium.*

21 Quibus auxiliis, signifies accidental instruments or means which the agent used; as if he used help of devil or witchcraft, if he killed by poison or sword, etc.

> *Quibus auxiliis, significat accidentaria instrumenta seu media quibus usus est operans; ut si adhibuerit opem daemonis vel maleficii, si occiderit veneno vel gladio, etc.*

22 Cur, denotes end, not intrinsic and of work, for that pertains to substance of act, but extrinsic and of working : as if someone steal to get himself drunk.

> *Cur, denotat finem, non intrinsecum et operis, hic enim pertinet ad substantiam actus, sed extrinsecum et operandis : ut si quis furetur ad se inebriandum.*

23 Quomodo, signifies accidental mode whereby act is done, e.g., intensely or remissly, from contempt or levity, from ignorance or fear, from malice or passion.

> *Quomodo, significat modum accidentalem quo fit actus, v. g., intense vel remisse, ex contemptu vel levitate, ex ignorantia vel metu, ex malitia vel passione.*

24 Quando, signifies accidental condition of time, namely either quality, as if work be done on feast day, or day of communion; or quantity, as if act endure long or little.

> *Quando, significat conditionem accidentalem temporis, nempe vel qualitatem, ut si opus fiat die festo, vel communionis; vel quantitatem, ut si actus diu vel parum duret.*

25 Question is resolved.

> *Resolvitur quaestio.*

26 **I say** 1° : Human act draws some goodness or malice from circumstances[1].

1 Here q. 18, a. 3, c.

> ***Dico** 1° : Actus humanus desumit aliquam bonitatem vel malitiam a circumstantiis[1].*
>
> *1 Hic q. 18, a. 3, c.*

27 It is proved 1°. Concerning goodness or malice of human acts judgment must be made in same mode, at least analogically, as concerning goodness and malice of natural things. But in natural things whole goodness and perfection is not taken from sole form giving species, but also from accidents: thus, e.g., whole goodness and perfection of man is not taken from his sole substantial form, but from various accidents, as from color, figure, due proportion of members, etc. Therefore whole goodness of human act is not taken from sole object giving species, but also from circumstances which are its accidents.

> Probatur *1°. De bonitate vel malitia actuum humanorum censendum est eodem modo, saltem analogice, sicut de bonitate et malitia rerum naturalium. Atqui in rebus naturalibus tota bonitas et perfectio non sumitur a sola forma quae dat speciem, sed etiam ab accidentibus : sic, v. g., tota bonitas et perfectio hominis non sumitur a sola ejus forma substantiali, sed ex variis accidentibus, ut ex colore, figura, debita membrorum proportione, etc. Ergo tota bonitas actus humani non sumitur a solo objecto quod dat speciem, sed etiam ex circumstantiis quae sunt ejus accidentia.*

28 2° Therefore human act draws goodness or malice from object, because it says habit of convenience or disconvenience toward right reason. But circumstances also can import habit of convenience or disconvenience toward right reason: thus, e.g., not only is it disconvenient to reason to steal, but also to steal in sacred place.

> *2° Ideo actus humanus desumit bonitatem vel malitiam ab objecto, quia dicit habitudinem convenientiae vel disconvenientiae ad rectam rationem. Atqui circumstantiae etiam possunt importare habitudinem convenientiae vel disconvenientiae ad rectam rationem : sic, v. g., non solum est disconveniens rationi furari, sed etiam furari in loco sacro.*

29 **I say** 2° : Human act sometimes draws from circumstances species of good or evil, sometimes only aggravation or diminution of goodness or malice within same species ; or, as commonly is said : Certain circumstances are changing species, certain only aggravating within same species[1].

1 Here q. 18, a. 10 et 11, c.

> ***Dico** 2° : Actus humanus aliquando desumit a circumstantiis speciem boni vel mali, aliquando tantum aggravationem aut diminutionem bonitatis vel malitiae intra eamdem speciem ; seu, ut communiter dicitur : Quaedam circumstantiae sunt mutantes speciem, quaedam tantum aggravantes intra eamdem speciem[1].*
>
> *1 Hic q. 18, a. 10 et 11, c.*

30 Changing-species circumstance is that which of itself adds onto human act special and distinct goodness or malice; only aggravating, that which increases only presupposed goodness or malice and modifies it within same species.

> *Circumstantia mutans speciem, ea est quae secundum se specialem et distinctam bonitatem vel malitiam actui humano superaddit; aggravans tantum, quae praesuppositam bonitatem vel malitiam auget tantum et modificat intra eamdem speciem.*

31 Among aggravating circumstances, some aggravate notably, others lightly. It is held notably aggravating in quantitative matter, or which consists in number, weight and measure, when separately taken and separated from act it would suffice unto mortal sin : as he who stole beyond twenty-five aurei would sin mortally: as he who beyond twenty-five asses, which I suppose suffice unto mortal sin, stole another twenty-five. In other matters however it is held notably aggravating, when it notably exceeds ordinary measure of sinning in suchlike matters: as if anyone spend whole night in impurities with woman, if anyone persevere through months and years in fraternal hatred, if anyone killed enemy cutting him limb from limb, etc.

> *Inter circumstantias aggravantes, aliae notabiliter, aliae leviter aggravant. Censetur notabiliter aggravans in materia quantitativa, seu qua consistit in numero, pondere et mensura, quando seorsim sumpta et ab actu separata sufficeret ad peccatum mortale : ut qui ultra viginti quinque aureos furatus esset, peccaret mortaliter: ut qui ultra viginti quinque asses, quos suppono sufficere ad peccatum mortale, furaretur alios viginti quinque. In aliis autem materiis censetur notabiliter aggravans, quando notabiliter excedit modum ordinarium peccandi in hujusmodi materiis : ut si quis totam noctem transigeret impudicitiis cum muliere, si quis per menses et annos perseveraret in odio fraterno, si quis inimicum occidisset membratim concidendo, etc.*

32 If neither of these occur, it is held lightly aggravating : suppose thief filched thirty asses; that after quarrel someone angry remained in hatred for some small time.

> *Si neutrum ex his occurrat, censetur leviter aggravans : puta quod fur surripuerit triginta asses; quod post rixam quis iratus aliquantulo tempore in odio permanserit.*

33 Species-changing circumstances certainly must be accused in confession. That notably aggravating circumstances also must be accused holds the more common and safer opinion[2], of which in treatise on Penance.

2 The contrary is now common, because it seems more probable. This question will be resolved in its place.

> *Circumstantiae mutantes speciem sunt certo accusandae in confessione. Circumstantias notabiliter aggravantes etiam esse accusandas tenet communior et tutior sententia[2], de quo in tractatu de Poenitentia.*
>
> *2 Contraria est nunc communis, quia probabilior videtur. Haec quaestio in loco suo resolvetur.*

34 **I say** 3° : Human act draws goodness or malice from end[3].

3 Here q. 18, a. 4, c.

> ***Dico** 3° : Actus humanus desumit bonitatem vel malitiam a fine[3].*
>
> *3 Hic q. 18, a. 4, c.*

35 Clear from what was said, because end, like other circumstances, can say order of conformity or disformity toward reason. So conformable to reason is it, not only to give alms, but also to give in satisfaction for sins; just as repugnant to reason is it, not only to steal, but also to steal to get oneself drunk.

> *Patet ex dictis, quia finis, non secus ac aliae circumtantiae, potest dicere ordinem conformitatis vel difformitatis ad rationem. Sic rationi conforme est, non solum dare eleemosynam, sed etiam dare in satisfactionem peccatorum ; sicut rationi repugnat, non solum furari, sed etiam furari ad se inebriandum.*

36 **§ III. — Certain little questions concerning preceding paragraphs briefly resolved.**

> ***§ III. — Quaedam quaestiunculae circa praecedentes paragraphos breviter resolvuntur.***

37 *You will ask* 1° from what act good from object, commanded unto good end, draws specific and essential goodness.

> Petes *1° a quo actus ex objecto bonus, ad bonum finem imperatus, desumat bonitatem specificam et essentialem.*

38 *I answer.* Commanded act taken in itself and specifically draws its specific and essential goodness from object, accidental from end: 1° Because what comes upon act constituted in its species is accidental to it. But command and ordering of act good of itself unto extrinsic end comes upon it already constituted in its species. Therefore. 2° Act takes essential species from what it primarily and immediately regards. But commanded act, considered in itself and specifically, primarily and immediately regards object: thus e.g., volition of giving alms, commanded by penance, primarily and immediately regards honesty of mercy, only secondarily and mediately honesty of penance. Therefore.

> Resp. *Actus imperatus secundum se et specificative sumptus, desumit suam bonitatem specificam et essentialem ab objecto, accidentalem a fine : 1° Quia quod advenit actui in sua specie constituto, est ipsi accidentale. Atqui imperium et ordinatio actus ex se boni ad finem extrinsecum, advenit illi jam in sua specie constituto. Ergo. 2° Actus ab eo sumit speciem essentialem, quod primario et immediate respicit. Atqui actus imperatus, secundum se et specificative consideratus, primario et immediate respicit objectum : sic v. g., volitio dandi eleemosynam, imperata a poenitentia, primario et immediate respicit honestatem misericordiae, secundario tantum et mediate honestatem poenitentiae. Ergo.*

39 But if commanded act be taken formally and reduplicatively as commanded, it has essential species from end; because, as such, it is reckoned one and same with commanding act, and regards same object.

> *Si vero actus imperatus sumatur formaliter et reduplicative ut imperatus, habet speciem essentialem a fine; quia, ut talis, reputatur unus et idem cum actu imperante, idemque objectum respicit.*

40 Nevertheless, because it happens to that act, considered in itself, that it be commanded, and command and ordering unto extrinsic end supervenes upon it already constituted in its species, simply speaking, comparison made between those species, it must be said that that which it has from object is essential, and that which it has from end accidental.

> *Attamen, quia illi actui, secundum se considerato, accidit quod sit imperatus, eique jam in sua specie constituto supervenit imperium et ordinatio ad finem extrinsecum, simpliciter est dicendum, comparatione facta inter illas species, quod ea quam habet ex objecto sit essentialis, et ea quam habet ex fine sit accidentalis.*

41 *You will ask* 2° how goodness or malice both of object and of circumstances ought to be intended that act be good or evil.

> Petes *2° quomodo debeat intendi bonitas vel malitia tam objecti quam circumstantiarum, ut actus sit bonus vel malus.*

42 *I answer.* That act be morally evil, it suffices that malice be indirectly virtually or implicitly willed in another to which it is annexed; that however it be good, there is required that goodness be formally and directly in itself willed, at least in exercised act.

> Resp. *Ut actus sit moraliter malus, sufficit quod malitia sit indirecte virtualiter vel implicite volita in alio cui est annexa; ut autem sit bonus, requiritur quod bonitas sit formaliter et directe in se volita, saltem in actu exercito.*

43 Our Doctor expresses this whole response in these words here q. 19, a. 7, ad 3 : « Evil happens out of singular defects, good truly out of whole and integral cause. Wherefore, whether will be of that which is of itself evil and under reason of good, or be of good under reason of evil, always will will be

evil. But unto this that it be good will, it is required that it be of good under reason of good, that is that it will good, and on account of good. »

> *Totam hanc responsionem his verbis exprimit Doctor noster hic q. 19, a. 7, ad 3 : « Malum contingit ex singularibus defectibus, bonum autem ex tota et integra causa. Unde, sive voluntas sit ejus quod est secundum se malum et sub ratione boni, sive sit boni sub ratione mali, semper voluntas erit mala. Sed ad hoc quod sit voluntas bona, requiritur quod sit boni sub ratione boni, id est quod velit bonum, et propter bonum. »*

44 Reason moreover of first part is: 1° because otherwise malice cannot be intended; for no one intending evil operates, as I said above and philosophers commonly teach; and if anyone be so wicked that he seem to covet malice in his act, he covets it not except by reason of some goodness which he apprehends in it. 2° Because malice not only is not to be coveted, but is to be avoided. It is not avoided however, by this very fact that indirectly and implicitly it is intended. Suffices therefore that one covet in a thing delectability, to which he sees malice annexed.

> *Ratio insuper primae partis est : 1° quia aliter non potest intendi malitia ; nemo enim intendens malum operatur, ut dixi supra et communiter docent philosophi ; et si quis sit ita scelestus ut videatur appetere malitiam in suo actu, eam non appetit nisi ratione alicujus bonitatis quam in ea apprehendit. 2° Quia malitia non solum non est appetenda, sed est vitanda. Non vitatur autem, hoc ipso quo indirecte et implicite intenditur. Sufficit ergo quod quis appetat in re delectabilitatem, cui videt esse annexam malitiam.*

45 Reason of second part is, because honesty is per se and on account of itself appetible, and thus right reason says it to be appetend.

> *Ratio secundae partis est, quia honestas est per se et propter se appetibilis, sicque esse appetendam dicit recta ratio.*

46 I said : « At least in exercised act ; » because it is not necessary that agent say in signed act, e.g.: « I will give alms because honest, » but suffices that he will alms under that reason whereby it is honest, namely because it relieves misery of neighbor.

> *Dixi : « Saltem in actu exercito ; » quia non est necesse quod agens dicat in actu signato, v. g. : « Volo dare eleemosynam quia honestum est, » sed sufficit quod velit eleemosynam sub ea ratione qua est honesta, scilicet quia sublevat miseriam proximi.*

47 *You will ask* 3° whether good intention makes honest evil election, or is vitiated from evil election.

> Petes *3° utrum bona intentio cohonestet malam electionem, aut ex mala electione vitietur.*

48 *I answer.* Good intention, as moving unto evil election, is vitiated from it, and evil election is not made honest by good intention ; its malice nevertheless is diminished secundum quid.

> Resp. *Bona intentio, ut movens ad malam electionem, ex ea vitiatur, et electio mala ex bona intentione non cohonestatur ; ejus tamen malitia minuitur secundum quid.*

49 First part is proved and explained in case. Titius steals to give alms, or lies to save life of neighbor. Intention of saving life of neighbor or relieving his need formally, as moving unto theft or lie, is vitiated and becomes evil : 1° Because thus it is cause of evil, namely theft or lie. But cause of evil does not say good, but defect. Therefore. 2° Intention, as moving unto election, contains it virtually; for intention and volition of end is not anyhow, but as to-be-attained through means. Therefore by this very fact that he wills to acquire through evil medium, it is inordinate and evil.

Prima pars probatur et explicatur in casu. Titius furatur ad dandam eleemosynam, vel mentitur ad salvandam vitam proximi. Intentio salvandi vitam proximi aut subveniendi ejus indigentiae formaliter, ut movens ad furtum aut ad mendacium, vitiatur et fit mala : 1° Quia sic est causa mali, scilicet furti aut mendacii. Atqui causa mali non dicit bonum, sed defectum. Ergo. 2° Intentio, ut movens ad electionem, continet virtualiter illam ; est enim intentio et voluntas finis non quomodocumque, sed ut assequendi per media. Ergo hoc ipso quo vult acquirere per malum medium, est inordinata et mala.

50 I said : « Formally as moving, unto evil election, » because in itself and from object it is good; good indeed is willing to succor needy neighbor. Of which art. seq.

Dixi : « Formaliter ut movens, ad malam electionem, » quia secundum se et ex objecto est bona; bonum est enim velle succurrere proximo indigenti. De quo art. seq.

51 Second part is proved, wherein is against Cassianus, *Collat*. 17. Malice from object, while object remains unchanged, is immutable and unchangeable; whence neither would good intention itself be vitiated from perverse election, unless because, as moving, it includes virtually in its object the very evil election, as was said, and thus its object is changed. But object of evil election, e.g., theft, is not changed by good intention. Therefore. Whence Apostle, *Rom.*, II, 8, condemns those who say : *Let us do evil, that good may come*. And Alexander III, c. 4 super eo, de usuris, says: « Sacred Scripture forbids to lie for life of another. »

Probatur secunda pars, qua est contra Cassianum, Collat. *17. Malitia ex objecto, quamdiu objectum manet immutatum, est immutabilis et invariabilis; unde nec ipsa intentio bona vitiaretur ex prava electione, nisi quia, ut movens, includit virtualiter in suo objecto ipsam electionem malam, ut dictum est, sicque mutatur ejus objectum. Atqui objectum malae electionis, v. g., furti, non mutatur ex bona intentione. Ergo. Unde Apost.,* Rom., *II, 8, damnat eos qui dicunt :* Faciamus mala, ut veniant bona. *Et Alexander III, c. 4 super eo, de usuris, dicit : « Scriptura sacra prohibet pro alterius vita mentiri. »*

52 Third part is proved. Malice or gravity of sin is regarded from voluntary affection toward sin, or toward that which in sin is wont to please, namely delectable good. But, in case, although malice of theft or lie sought from object be not diminished, voluntary affection toward sin, or toward delectable good which in sin is wont to please, is nevertheless diminished ; because he covets evil or sin only from love of honest good, and as clothed with reason of useful good, for attaining that honest good. Therefore.

Probatur tertia pars. Malitia seu gravitas peccati attenditur ex affectu voluntario ad peccatum, seu ad id quod in peccato solet placere, scilicet bonum delectabile. Atqui, in casu, licet non minuatur malitia furti vel mendacii petita ex objecto, minuitur tamen affectus voluntarius ad peccatum, seu ad bonum delectabile quod in peccato placere solet ; quia non appetit malum seu peccatum nisi ex amore boni honesti, et ut induit rationem boni utilis, ad istud bonum honestum consequendum. Ergo.

53 intended is better, so much more is fault of lie diminished. »

intentum est melius, tanto magis minuitur culpa mendacii. »

54 *You will ask* 4° whether evil intention vitiates good election, or conversely is made honest from good election.

Petes *4° utrum mala intentio vitiet bonam electionem, an e contra cohonestetur ex bona electione.*

55 *I answer.* Good election, as election, is sullied by evil intention, and evil intention is not rectified by good election.

> Resp. *Electio bona, ut electio, sordescit ex mala intentione, et intentio mala non rectificatur ex bona electione.*

56 It is proved. In good election, precisely as election, honesty of medium is not loved, but medium is loved precisely as useful unto evil end : e.g., who gives alms solely on account of vain glory cares not for honesty of alms, but only intends vain glory, so that, if alms were not of itself honest and conduced unto vain glory, he would assume it. Intention itself moreover of vain glory thence becomes worse, because it orders that which of itself is good unto evil. For perversion it is that good serve evil, and nobler be ordered unto less noble, as unto end, resting there. This whole reason will appear more clearly from art. seq.

> Probatur. *In bona electione, praecise ut est electio, non amatur honestas medii, sed medium amatur praecise ut utile ad malum finem : v. g., qui dat eleemosynam unice ob vanam gloriam, non curat honestatem eleemosynae, sed solum intendit vanam gloriam, ita ut, si eleemosyna ex se non esset honesta et conduceret ad vanam gloriam, illam assumeret. Ipsa autem intentio vanae gloriae inde fit pejor, quod ordinet id quod de se bonum est ad malum. Est enim perversitas bonum servire malo, et nobilius ordinari ad ignobilius, tamquam ad finem, ibi sistendo. Tota haec ratio magis clarebit ex art. seq.*

On the concurrence of manifold morality together in the same act

1 The difficulty concerns the conflict of manifold moralities opposed one to another, whereof one namely is good, another evil; or whether the same act can be at once good and evil from diverse heads, good from object, evil from end or some other circumstance, and conversely.

> *Difficultas est de concursu multiplicis moralitatis opposita, quarum una nempe sit bona, altera mala; seu utrum idem actus possit esse simul bonus et malus ex diverso capite, bonus ex objecto, malus ex fine aliave circumstantia, et e contra.*

2 **I say** 1°: An act otherwise good in itself, whose evil end is the total and adequate reason why it is chosen, is from no part good, but wholly evil. It is the common teaching [1]

[1] Here q. 19, a. 7, ad 2.

> ***Dico** 1° : Actus alias secundum se bonus, cujus malus finis est totalis et adaequata ratio cur eligatur, ex nulla parte est bonus, sed totus malus. Est communis*[1]
>
> [1] *Hic q. 19, a. 7, ad 2.*

3 *It is proved* 1° from Scripture. *I Cor.*, v, 6, the Apostle says: *A little leaven corrupts the whole lump.* By leaven moreover is understood the depraved intention, which while it is the total cause of an act otherwise good, infects and corrupts the whole of it.

> Probatur *1° ex Scriptura.* I Cor., *v, 6, dicit Apost. :* Modicum fermentum totam massam corrumpit. *Per fermentum autem intelligitur prava intentio, quae dum est totalis causa actus aliunde boni, ipsum totum inficit et corrumpit.*

4 *It is proved* 2° by reason. When one gives alms precisely for vainglory or luxury, so that vainglory or luxury be the total and adequate cause of bestowing the alms, the honesty of the alms is nowise desired, but desired only as the means of attaining glory or luxury; so that, even if it had no honesty of itself, it would nevertheless be assumed for attaining the evil end. But the honesty of the object reflects no goodness into the act unless directly desired in itself, as was said before. Therefore.

Probatur 2° *ratione. Quando quis dat eleemosynam praecise propter vanam gloriam aut luxuriam, ita ut vana gloria seu luxuria sit totalis et adaequata causa erogandae eleemosynae, honestas eleemosynae nullatenus appetitur, sed appetitur dumtaxat ut medium assequendae gloriae vel luxuriae, ita quod, si etiam nullam haberet ex se honestatem, nihilominus assumeretur pro fine malo assequendo. Atqui honestas objecti nullam refundit in actum bonitatem, nisi directe in se appetatur, ut dictum est antea. Ergo.*

5 **I say** 2°: An act otherwise good in itself, whose evil end is not the total and adequate reason why it is chosen, can be good from object and evil from end. A fortiori an act good from object and end, upon which supervenes some venially evil circumstance, can be partly good and partly evil [1]

1 Ibid.

***Dico** 2° : Actus alias secundum se bonus, cujus finis malus non est totalis et adaequata ratio cur eligatur, potest esse bonus ex objecto, et malus ex fine. A fortiori actus ex objecto et fine bonus, cui supervenit aliqua circumstantia venialiter mala, potest esse partim bonus partim malus*[1].

[1] *Ibid.*

6 *It is proved*. An act good whose extrinsic evil end is not the total and adequate cause why it is assumed, e.g., alms done partly on account of one's own honesty of mercy, partly for vainglory, draws and retains goodness from the object, notwithstanding the concurrence of the further extrinsic end, evil namely, of vainglory. Therefore it is good from object and evil from end. — Proof of the antecedent: It cannot be but that the goodness of the object willed in itself and for itself reflect goodness into the act. For to love the good in itself and for itself is necessarily and essentially good. But honest alms, in the case, is loved in itself and for itself, and not precisely and solely for vainglory, which we suppose not to be its total and adequate cause. Therefore.

Probatur. *Actus bonus cujus malus finis extrinsecus non est causa totalis et adaequata cur assumatur, v. g., eleemosyna facta partim propter propriam honestatem misericordiae, partim propter vanam gloriam, haurit et retinet bonitatem ex objecto, non obstante concursu ulterioris finis extrinseci mali, scilicet vanae gloriae. Ergo est bonus ex objecto et malus ex fine. — Probatur ant. Fieri non potest quin bonitas objecti in se et propter se volita refundat bonitatem in actum. Etenim amare bonum in se et propter se, est necessario et essentialiter bonum. Atqui eleemosyna honestas, in casu, amatur in se et propter se, et non praecise et unice propter vanam gloriam, quam supponimus non esse illius causam totalem et adaequatam. Ergo.*

7 What I said of the act good from object and evil from end must be said a fortiori of the act good from object and end, into which mingles some venially evil circumstance, e.g., if into alms done from the sole motive of mercy there mingle tepidity or inconsiderateness.

Quod dixi de actu bono ex objecto et malo ex fine, dicendum est a fortiori de actu bono ex objecto et fine, cui se immiscet aliqua circumstantia venialiter mala, v. g., si eleemosynae factae ex solo fine misericordiae se immisceat tepor vel inconsideratio.

Whether there are indifferent acts?

1 **I say** 1° : There are given acts indifferent from their species[1]. It is common opinion.

1 Here q. 18, a. 8, c.

***Dico** 1° : Dantur actus indifferentes ex sua specie*[1]*. Est communis.*

[1] *Hic q. 18, a. 8, c.*

2 *It is proved.* Human acts draw their species from the object morally considered : so that those which have a good object be good; those evil, evil; those indifferent, indifferent. But there are human acts which have an indifferent object, that is, neither commanded nor forbidden by law, as to lift up a straw, to go into the field, and the like. Therefore.

> Probatur. *Actus humani desumunt suam speciem ab objecto moraliter considerato : ita ut qui habent objectum bonum, sint boni; qui malum, mali; qui indifferens, indifferentes. Atqui sunt actus humani qui habent objectum indifferens, hoc est, neque praeceptum, neque prohibitum a lege, ut levare festucam, ire ad campum, et similia. Ergo.*

3 Greater is the difficulty about acts indifferent in the individual. The question is not about indeliberate acts which proceed from imagination or impulse of nature, as it usually is to scratch the beard, to move hand or foot; for these, since they are not human and moral acts through defect of liberty, it sufficiently stands established that they are neither morally good nor bad.

> *Major est difficultas de actibus indifferentibus in individuo. Non est quaestio de actibus indeliberatis qui ex imaginatione vel natura impulsu procedunt, ut plerumque fricare barbam, manum aut pedem movere; hi enim cum non sint actus humani et morales, defectu libertatis, satis constat non esse neque bonos neque malos moraliter.*

4 Likewise the question is not about indifference toward moral goodness and badness in the supernatural order, but in the natural order only. For it stands established that there are given acts indifferent, neither good nor bad, neither meritorious nor demeritorious, in the supernatural order : thus alms done by an infidel or sinner from motive of mercy, although good morally in the natural order, since however it proceeds not from grace, which is the principle of goodness and merit in the supernatural order, is neither good nor bad in that order, nor meritorious of reward or of punishment in that order, because in no manner does it pertain to that order.

> *Item non est quaestio de indifferentia ad bonitatem et malitiam moralem in ordine supernaturali, sed in ordine naturali tantum. Constat enim dari actus indifferentes, neque bonos, neque malos, neque meritorios, neque demeritorios in ordine supernaturali : sic eleemosyna facta ab infideli aut peccatore ex motivo misericordiae, quamvis sit bona moraliter in ordine naturali, quia tamen non procedit a gratia, quae est principium bonitatis et meriti in ordine supernaturali, non est bona neque mala in isto ordine, nec meritoria praemii aut supplicii in isto ordine, quia nullo modo ad illum pertinet.*

5 The question therefore is only about deliberate acts and their indifference toward goodness and badness in the natural order.

> *Est ergo quaestio tantum de actibus deliberatis et eorum indifferentia ad bonitatem et malitiam in ordine naturali.*

6 In which sense

> *Quo sensu*

7 **I say** : No act is nor can be indifferent in the individual[1]. It is the more common opinion with the Author against Scotus, the Scotists and Vasquez.

1 Ibid., a. 9, c.

> ***Dico** : Nullus est nec esse potest actus indifferens in individuo[1]. Est communior cum Authore, contra Scotum, Scotistas et Vasquem.*
>
> *1 Ibid., a. 9, c.*

8 *It is proved* by the fundamental reason. Man, as often as he acts deliberately, even concerning an object indifferent in itself, is held to act on account of honest end : if he do this, he acts well; if he do it not, he acts badly. Therefore no act indifferent exists in the individual. — Proof of the antecedent. 1° Man, as often as he acts deliberately, is held to act as man, or according to the dignity and exigency of rational nature, and as distinguished from brutes. But this is to act on account of honest good, which is the end of rational creature. Therefore. 2° As natural beings are directed by natural inclination from the author of nature to their proper ends, so free and moral agent, such as man is, is directed by precepts to his proper end, which is honest good conformable to reason. Therefore. 3° The Apostle, *I Cor.*, X, 31, commands all things to be done on account of the glory of God, that is, on account of honest end in which the glory of God is virtually and implicitly included. Therefore. 4° Work not directed to honest end is otiose work, therefore evil; because work is called otiose not because it is on account of evil end, but because it lacks good and honest end, or, as the holy Fathers say, because it lacks utility or necessity. Therefore. 5° Man acting deliberately cannot act on account of sensible delightful good as on account of end. Therefore he is held to act on account of honest good. — The antecedent is plain. Because sensible delightful good is end of brutes and of the sensitive part, not of rational creature.

> Probatur *ratione fundamentali. Homo, quotiescumque deliberate agit, etiam circa objectum secundum se indifferens, tenetur agere propter finem honestum : quod si faciat, bene agit; si non faciat, male agit. Ergo non datur actus indifferens in individuo. — Probatur ant. 1° Homo, quoties deliberate agit, tenetur agere ut homo, seu secundum dignitatem et exigentiam naturae rationalis, et prout distinguitur a brutis. Atqui hoc est agere propter bonum honestum, quod est finis creaturae rationalis. Ergo. 2° Sicut entia naturalia per naturalem inclinationem diriguntur ab authore naturae in fines proprios, ita agens liberum et morale, ut est homo, dirigitur per praecepta ad finem sibi proprium, qui est bonum honestum et rationi conforme. Ergo. 3° Apost.,* I Cor.*, x, 31, praecipit omnia fieri propter gloriam Dei, id est, propter finem honestum in quo virtualiter implicite includitur gloria Dei. Ergo. 4° Opus quod non dirigitur in finem honestum, est opus otiosum, ideoque malum; quia opus dicitur otiosum, non quod sit ob finem malum, sed quod caret bono et honesto fine, seu, ut dicunt SS. Patres, quod caret utilitate aut necessitate. Ergo. 5° Homo deliberate agens, non potest agere propter bonum delectabile sensibile tamquam propter finem. Ergo tenetur agere propter bonum honestum. — Patet ant. Quia bonum delectabile sensibile est finis brutorum et partis sensitivae, non creaturae rationalis.*

9 But what the adversaries say, that it is licit to act on account of commodity and recreation of nature, we concede, provided this be done according to the dictation of reason. But to act on account of commodity and recreation of nature according to dictation of right reason is not to seek delight as end, but to refer it to honest ends, and consequently to act well.

> *Quod autem dicunt adversarii, licitum esse agere propter commoditatem et recreationem naturae, concedimus, si id fiat juxta dictamen rationis. Agere autem propter commoditatem et recreationem naturae juxta dictamen rectae rationis, non est quaerere delectationem ut finem, sed eam referre ad fines honestos, et consequenter bene agere.*

10 *Objection* : that worn saying of St. Jerome, *Epist.* 89, ad Aug. :

> Obj. *illud tritum S. Hieron.,* Epist. *89, ad Aug. :*

11 « Good is continence, bad is luxury : between both indifferent is walking about, to dispose the excrements of the belly, to throw forth rheums with spittle. This is neither good nor bad. » Therefore.

> *« Bonum est, inquit, continentia, malum est luxuria : inter utrumque indifferens ambulare, digerere alvi stercora, sputis rheumata jacere. Hoc nec bonum est nec malum. » Ergo.*

12 *Answer* St. Jerome speaks of acts indifferent viewed on the part of object, and according to species.

> Resp. *S. Hieronymum loqui de actibus indifferentibus spectatis ex parte objecti, et secundum speciem.*

13 [*You will say* : No species is there under which it contains not, or can contain, some individual. But some human act is indifferent according to its species, as proved above. Therefore some individual human act can be indifferent.

> *[*Dices *: Nulla species est qua sub se non contineat, vel continere possit aliquod individuum. Atqui aliquis actus humanus est indifferens secundum suam speciem, ut supra probatum est. Ergo aliquis actus humanus individualis potest esse indifferens.*

14 *Answer. I distinguish* the major. No species is there which under itself contains not, or can contain, some individual, yet without the abstraction which species has, *I concede*; with the same abstraction which species has, *I deny*. I distinguish also the minor. Some human act is indifferent according to its species in this sense, that it has not from its species that it be good or bad morally, *I concede*; in this sense, that indifference be owed it from its species so that it cannot be ordered to moral good or moral evil, *I deny*. And therefore I deny consequence —

> Resp. *Dist. maj. Nulla species est quae sub se non contineat, vel continere possit aliquod individuum, sed tamen sine abstractione quam habet species,* conc.*; et cum eadem abstractione quam habet species,* nego. *Dist. etiam min. Aliquis actus humanus est indifferens secundum suam speciem, hoc sensu quod non habet ex sua specie quod sit bonus vel malus moraliter,* conc.*; hoc sensu quod ex sua specie ita ipsi debeatur quod sit indifferens, ut non possit ordinari ad bonum vel malum morale,* nego. *Et ideo nego conseq —*

15 For, as St. Thomas says[1], « that some act be indifferent according to its species can be understood in several ways : In one way thus, that from its species indifference be owed it; and thus the argument proceeds [that is, the objection in the minor]. But in this manner no act is indifferent from its species; for there is no object of human act which cannot be ordered either to evil or to good through end or circumstance. In another way it can be called indifferent from its species, because it has not from its species that it be good or bad : whence through something else it can become good or bad. As man has not from his species that he be white or black, nor yet does he have from his species that he be not white or black; for whiteness or blackness can supervene upon man from elsewhere than from the principles of the species. »

1 Ibid., a. 9, ad 1.

> *Etenim, ut dicit S. Thomas[1], « aliquem actum esse indifferentem secundum suam speciem, potest esse multipliciter : Uno modo sic, quod ex sua specie debeatur ei quod sit indifferens; et sic procedit ratio [id est, objectio in minori]. Sed tamen isto modo nullus actus ex sua specie est indifferens; non enim est aliquod objectum humani actus quod non possit ordinari vel ad malum vel ad bonum per finem vel circumstantiam. Alio modo potest dici indifferens ex sua specie, quia non habet ex sua specie quod sit bonus vel malus : unde per aliquid aliud potest fieri bonus vel malus. Sicut homo non habet ex sua specie quod sit albus vel niger, nec tamen habet ex sua specie quod non sit albus aut niger; potest enim albedo vel nigredo supervenire homini aliunde quam a principiis speciei. »*
>
> *1 Ibid., a. 9, ad 1.*

16 Require other objections and answers in the same place.]

> *Require alias objectiones et responsiones ibidem.]*

Whether, and how, the human will, to be good, must be conformed to the divine will?

[1] *I suppose* that the human will, in order to be good, generally speaking, ought to be conformed to the divine will [1], because the first rule and measure of the good will of man is the divine will: for what is first in any genus is the measure of the others of that genus; but the divine will is the first and supreme good. But in what and how it ought to be conformed, there is difficulty.

[1] Here q. 19, a. 9, c.

> Suppono *voluntatem humanam, ut sit bona, generaliter loquendo, debere esse conformem divinae voluntati*[1]*, quia prima bona voluntatis humanae regula et mensura est divina voluntas: primum enim in unoquoque genere est mensura caeterorum illius generis; divina autem voluntas est primum et summum bonum. Sed in quo et quomodo debeat conformari, difficultas est.*
>
> [1] *Hic q. 19, a. 9, c.*

[2] For whose elucidation it must be noted that in the object of the will two things are to be considered: one which is quasi-material, namely the thing itself willed; another which is quasi-formal, namely the very account of willing, which is the end. Conformity with respect to the thing willed is called conformity in the materially willed; and conformity with respect to the account of willing is called conformity in the formally willed. The question proceeds concerning both, supposing however that the divine will becomes known concerning the particular work; for, if it does not become known, the will can be good without conformity with respect to this work: thus II *Reg.*, VII, 3, David is praised because he willed to build the house of the Lord, which God nevertheless did not will.

> *Pro cujus elucidatione notandum est, in objecto voluntatis duo esse consideranda : unum quod est quasi materiale, scilicet res ipsa volita; aliud quod est quasi formale, scilicet ipsa ratio volendi, quae est finis. Conformitas quoad rem volitam dicitur conformitas in volito materiali; et conformitas quoad rationem volendi, dicitur conformitas in volito formali. De utraque procedit quaestio, supposito tamen quod voluntas divina innotescat circa particulare opus; nam, si non innotescit, potest esse bona voluntas absque conformitate, quantum ad istud opus : sic II* Reg.*, VII, 3, David laudatur quod voluerit aedificare domum Domini, quod tamen Deus non volebat.*

[3] But the divine will can become known to us in three ways, namely by revelation, by operation and by precept. For this very fact that God reveals something, or operates it, whether immediately through himself, or through secondary causes intervening, or commands it to be done, it is manifest that he wills that very thing.

> *Tripliciter autem potest nobis innotescere divina voluntas, scilicet per revelationem, per operationem et per praeceptum. Hoc ipso enim quod Deus revelat aliquid, aut operatur, sive immediate per se, sive mediantibus causis secundis, vel praecipit fieri, manifestum est id ipsum velle.*

[4] These things noted and supposed,

> *His notatis et suppositis,*

[5] **I say**: The human will, in order to be right, is bound to be conformed to the divine will in the formally willed, but not in the materially willed, unless his will become known by precept or prohibition [1]. It is common with the Author.

[1] Ibid., a. 10, c; q. 23 de Veritate, a. 8.

***Dico** : Voluntas humana, ut recta sit, tenetur conformari divinae voluntati in volito formali, non autem in volito materiali, nisi ejus voluntas innotescat praecepto vel prohibitione[1]. Est communis cum authore.*

[1] *Ibid., a. 10, c; q. 23 de Veritate, a. 8.*

6 *The first part is proved* [2]. The formally willed element of the divine will, or its motive as ultimate reason of willing, is the common and divine good, or the common good of the whole universe, insofar as it is ultimately ordered to God himself [3] and to his glory; for the Lord made all things for himself. But the human will, in order to be right, ought to will whatever it wills for the common and divine good, as its last end. Therefore. — *Proof of minor* 1° The natural appetite of every part is ordered to the common good of the whole. Therefore, a fortiori, what is appetited by the rational appetite ought to be referred to the common good [3]. 2° The human will could not be right except insofar as it appetites the true and honest good, as we proved above. But, in appetiting the true and honest good, it virtually and implicitly appetites the divine good, of which the honest good is the beginning and participation. Therefore.

[2] Ibid.

[3] Ibid., ad 1.

[3] Ibid., ad 1.

Prob. *prima pars*[2]*. Volitum formale divinae voluntatis, seu ejus motivum ut ultima ratio volendi, est bonum commune et divinum, seu bonum commune totius universi, prout ultimate ordinatur ad ipsum Deum*[3] *et ejus gloriam; omnia enim propter semetipsum fecit Dominus. Atqui voluntas humana, ut recta sit, debet velle quodcumque vult propter bonum commune et divinum, ut ultimum finem. Ergo.* — Prob. *min. 1° Appetitus naturalis cujuslibet partis ordinatur in bonum commune totius. Ergo, a fortiori, quod appetitur ab appetitu rationali, debet referri in bonum commune*[3]*. 2° Voluntas humana non posset esse recta, nisi quatenus appetit bonum verum et honestum, ut probavimus supra. Atqui, appetendo bonum verum et honestum, virtualiter implicite appetit bonum divinum, cujus bonum honestum est inchoatio et participatio. Ergo.*

[2] *Ibid.*

[3] *Ibid., ad 1.*

[3] *Ibid., ad 1.*

7 *Proof of the second part.* The same thing willed which is the material object of the will can, under diverse consideration, be good and evil. E. g., the death of a robber considered by the judge as necessary to the common good, is good; considered by the wife as harmful to the family, is evil. Consequently the will by which the judge, whose duty is to attend to the common good, wills the death of the robber, is good; and the will by which the wife, whose duty is to attend to the good of the family, does not will the death of her husband, is also good; because the will that does not will a thing under the aspect of evil is not less good than that which wills a thing under the aspect of good. But God, as universal provider, attends in willing to universal reasons, such as the common good of the universe, to which contraries must be and be conserved, and the manifestation of his attributes: according to which reasons the thing willed by God is good, which nevertheless according to particular reasons, to which man ought to attend and to which God wills him to attend, is evil. Therefore the human will, in order to be right, is not bound to be conformed to the divine will in the materially willed. — The minor will become clear by example. God, as supreme director and provider of the whole world, according to the exigency and universal reasons of the common good and of his

glory, wills my father to die in heresy and be damned. That death and damnation, considered according to those universal reasons, is good, and therefore good is the will that wills it. I, a private man, whose duty it is not to attend to those universal reasons, but to particular ones, whether of my own supposit, according to the natural inclination by which I am good from God, or of a parent, according to piety, which, even at the command of God, I am bound to follow, do not will that death and damnation. That death and damnation, considered according to those particular reasons, is evil. Therefore good is the will that does not will it; so that, although on the one side I seem to depart from the divine will, yet on the other, by so willing, I am conformed indirectly to the divine will itself, because God himself wills that I so will. Whence Aug., *in Enchirid.*, c. 101, n. 26, says: « Sometimes with a good will man wills something that God does not will... Just as if a good son should will his father to live, whom God with a good will wills to die. »

> Prob. *secunda pars. Eadem res volita quae est objectum materiale voluntatis, potest sub diversa consideratione esse bona et mala. V. g., mors latronis considerata a judice ut necessaria bono communi, est bona; considerata ab uxore ut noxia familiae, est mala. Consequenter voluntas qua judex, cujus est attendere ad bonum commune, vult mortem latronis, est bona, et voluntas qua uxor, cujus est attendere ad bonum familiae, non vult mortem mariti, est etiam bona; quia voluntas quae rem non vult sub ratione mali, non est minus bona, quam ea quae vult rem sub ratione boni. Atqui Deus, ut provisor universalis, attendit in volendo ad rationes universales, quales sunt bonum commune universi, ad quod necesse est esse et conservari contraria, et manifestatio suorum attributorum: secundum quas rationes res a Deo volita est bona, quae tamen secundum rationes particulares, ad quas homo debet attendere et ad quas Deus vult ipsum attendere, est mala. Ergo voluntas humana, ut sit recta, non tenetur conformari divinae voluntati in volito materiali. — Minor clarebit exemplo. Deus, ut supremus totius mundi director et provisor, secundum exigentiam et rationes universales boni communis et suae gloriae, vult patrem meum mori in haeresi et damnari. Ista mors et damnatio secundum istas rationes universales considerata, est bona, et ideo bona voluntas quae illam vult. Ego, privatus homo, cujus non est ad istas rationes universales attendere, sed ad particulares, sive proprii suppositi, secundum inclinationem naturalem qua bona est a Deo, sive parentis, secundum pietatem, quam, etiam Deo mandante, sectari teneor, nolo istam mortem et damnationem. Ista mors et damnatio, secundum istas rationes particulares considerata, est mala. Ergo bona voluntas, quae eam non vult; ita ut, quamvis videar ex una parte recedere a voluntate divina, ex alia tamen, sic volendo, conformor indirecte ipsi voluntati divinae, quia sic me velle Deus ipse vult. Unde Aug.,* in Enchirid.*, c. 101, n. 26, ait : « Aliquando bona voluntate homo vult aliquid quod Deus non vult... Tamquam si bonus filius patrem velit vivere, quem Deus bona voluntate vult mori. »*

8 *It is confirmed.* No one of sound mind would say that I am bound to will all things harmful to me which, God willing, happen to me: hunger, sickness, the burning of house and barn, the rigor of cold, the heat of the sun, serpents, fleas, etc., as I was saying, the death and damnation of my parents; so that it would not be permitted me, as far as I can, to flee them or strive against them.

> Confirmatur. *Nemo sanae mentis dicet, me teneri velle omnia mihi nociva, quae, Deo volente, mihi accidunt : famem, morbum, conflagrationem domus et horrei, rigorem frigoris, ardorem solis, serpentes, pulices, etc., ut modo dicebam, mortem et damnationem parentum meorum; ita ut mihi non liceat, quantum possum, illa fugere aut contra conari.*

9 I said: « Unless the divine will becomes known by precept or prohibition; » because the willing of God commanding or prohibiting has always annexed to it the will of obliging man to will and to do what he commands, or not to will nor to do what he prohibits: which the other wills have not, whether of good pleasure, of counsel, or of permission.

> *Dixi : « Nisi voluntas divina innotescat praecepto vel prohibitione; » quia voluntas Dei praecipiens aut prohibens habet semper annexam voluntatem obligandi hominem ad volendum et agendum quod praecipit, aut non volendum nec*

agendum quod prohibet : quod non habent aliae voluntates, sive beneplaciti, sive consilii, sive permissionis.

10 For the solution of the objections against the second part of the conclusion, it must be observed that the materially willed can be considered in two ways: first, in itself and absolutely; second, formally and reduplicatively, as it underlies the formally willed or the universal end which God intends. The second part therefore of the conclusion is to be understood of the materially willed in itself, with the particular reasons attended to, not of it reduplicatively, as it underlies the formally willed and the universal end of the divine will; for this is to be conformed to it precisely in the formally willed itself.

Pro solutione objectionum contra secundam partem conclusionis, observandum est, volitum materiale posse considerari dupliciter : primo, secundum se et absolute; secundo, formaliter et reduplicative, ut subest volito formali seu fini universali quem Deus intendit. Secunda pars itaque conclusionis intelligenda est de volito materiali secundum se, et attentis rationibus particularibus, non de illo reduplicative, ut subest volito formali et fini universali divinae voluntatis; hoc enim est ipsi conformari in ipso volito formali.

Whether the exterior act adds goodness or malice to the interior act?

1 We do not inquire here whether the exterior act is good or evil. We suppose this as certain; for by the very fact that it is voluntary, conformable or disconformable to reason, it has all that is required in order that it be good or evil. Moreover, on exterior acts there are the eight precepts of the Decalogue.

Non quaerimus hic, utrum actus exterior sit bonus vel malus. Ita esse pro certo supponimus; hoc ipso enim quo est voluntarius, conformis vel difformis rationi, habet totum quod requiritur ut sit bonus vel malus. Insuper de actibus exterioribus sunt octo praecepta Decalogi.

2 But we inquire whether the exterior act is good or evil by a goodness or malice formally distinct from the goodness or malice of the interior act, which it superadds to it[1]. And the question concerns the exterior act inasmuch as it is the mere execution of the interior act. For if some goodness were annexed accidentally and from without to the exterior act, e. g., the special grace of the exterior reception of the sacraments, or the grace of indulgence attached to almsgiving or to exterior prayer, it is certain that the exterior act would add this accidental goodness to the interior act. Likewise, if for the execution of the exterior act the interior act must needs be intensified or multiplied, as often happens, then also it is evident that the exterior act adds goodness or malice to the interior: yet not per se and by reason of itself, but only occasionally, because on occasion of the exterior act the interior act is intensified or multiplied.

1 Here q. 20, a. 4, c.

Sed quaerimus utrum actus exterior sit bonus vel malus bonitate vel malitia formali distincta a bonitate vel malitia actus interioris, quam ei superaddat[1]. Et est quaestio de actu exteriori ut est mera executio interioris. Si enim actui exteriori esset accidentaliter et ab extrinseco annexa aliqua bonitas, v. g., specialis gratia susceptioni exteriori sacramentorum, aut gratia indulgentiae eleemosynae seu orationi exteriori, certum est quod actus exterior hanc bonitatem accidentalem adderet actui interiori. Item, si ad executionem actus exterioris necesse sit actum interiorem intendi vel multiplicari, ut saepe contingit, etiam constat actum exteriorem addere bonitatem vel malitiam interiori : hoc tamen non per se et ratione sui, sed occasionaliter tantum, quia occasione actus exterioris intenditur aut multiplicatur actus interior.

1 Hic q. 20, a. 4, c.

3 **I say** 1°: The exterior act, precisely as the execution of the interior act, adds to it no goodness or malice simply, in the order to essential reward or punishment, but only secundum quid, in the order to accidental reward or punishment: whence it does not render the one acting better or worse simply, but only secundum quid.

> ***Dico** 1° : Actus exterior, ut est praecise executio actus interioris, illi non addit bonitatem aut malitiam simpliciter in ordine ad praemium aut poenam essentialem, sed tantum secundum quid, in ordine ad praemium vel poenam accidentale : unde non reddit operantem meliorem aut pejorem simpliciter, sed secundum quid tantum.*

4 *It is proved* first part[1]. The exterior act is either considered as the object of the interior act, or as its effect or execution. But in neither way does it add to the interior a distinct goodness or malice. *Therefore.* — The first part of the minor is proved. If the exterior act be considered as the object of the interior act, the whole goodness or malice which is in it objectively is transfused into the act formally, so that the object has nothing objectively which is not in the act formally. Therefore the exterior act, as object, has no distinct goodness or malice which it superadds to the goodness or malice of the interior act, since it is on both sides the same, with this difference, that it is objectively in the exterior act, as in the object and motive of the will, and in the interior act formally, as in the subject. — The second part of the min. is proved, concerning which especially is the difficulty. The exterior act, precisely as effect and execution of the interior act, has no intrinsic moral goodness or malice, but is good or evil denominatively and extrinsically only from the goodness or malice of the interior act. Therefore it adds to the interior no distinct goodness or malice. — The foregoing is proved 1° by the most formal words of St. Thomas here a. 3, ad 3: « As, he says, health is derived from what is healthy in the animal to medicine and urine...; in this manner the goodness of the exterior act is derived from the goodness of the will. » Therefore, as health is in medicine and urine denominatively and extrinsically only, so moral goodness or malice in the exterior act. The same foregoing is proved 2° by a decisive reason. Liberty is the foundation of morality, and therefore intrinsic moral goodness or malice can be only there where there is intrinsic liberty. But in the exterior act of the executive power there is not intrinsic liberty; for this is intrinsically subjected in the will alone. *Therefore.*

1 Ibid.

> Probatur *prima pars*[1]*. Actus exterior vel consideratur ut objectum interioris, vel ut ejus effectus seu executio. Atqui neutro modo addit interiori bonitatem vel malitiam distinctam. Ergo.* — Probatur *prima pars minoris. Si actus exterior consideretur ut objectum interioris, tota bonitas vel malitia quae est in illo objective, transfunditur in actum formaliter, ita ut objectum nihil habeat objective quod non sit in actu formaliter. Ergo actus exterior, ut objectum, non habet aliquam bonitatem vel malitiam distinctam, quam superaddat bonitati vel malitiae actus interioris, cum sit utrimque eadem, cum hac differentia quod sit objective in actu exteriori, ut in objecto et motivo voluntatis, et in actu interiori formaliter, ut in subjecto.* — Probatur *secunda pars min., de qua est praesertim difficultas. Actus exterior, ut effectus et executio interioris praecise, nullam habet bonitatem vel malitiam moralem intrinsecam, sed est bonus vel malus denominative extrinsece tantum a bonitate vel malitia actus interioris. Ergo non addit interiori ullam bonitatem vel malitiam distinctam.* — Probatur *ant. 1° verbis formalissimis D. Thoma hic a. 3, ad 3 : « Sicut, inquit, a sano quod est in animali derivatur sanum ad medicinam et urinam...; hoc modo a bonitate voluntatis derivatur bonitas actus exterioris. » Ergo, sicut sanitas est in medicina et urina denominative extrinsece tantum, ita bonitas vel malitia moralis in actu exteriori.* Probatur *idem ant. 2° ratione peremptoria. Libertas est fundamentum moralitatis, ideoque bonitas vel malitia moralis intrinseca ibi solum esse potest, ubi est libertas intrinseca. Atqui in actu exteriori potentiae executivae non est libertas intrinseca; haec enim in sola voluntate intrinsece subjicitur. Ergo.*
>
> 1 *Ibid.*

5 *It is confirmed.* If the exterior act adds something to the interior act, either that superadded thing is willed by the interior act, as by the exterior act it is exercised, or it is not: if it be not willed, it is not a moral good or evil, and thus it adds nothing of goodness or malice; if it be willed, by this very fact it is prehad in the interior act of the will, in which is the foundation of all morality. *Therefore.*

> Confirmatur. *Si actus exterior aliquid addat interiori, vel illud superadditum est volitum ab actu interiori sicut ab exteriori est exercitum, vel non : si non sit volitum, non est bonum aut malum morale, et sic nihil addit bonitatis aut malitiae; si sit volitum, hoc ipso praehabetur in actu interiori voluntatis, in qua est fundamentum totius moralitatis. Ergo.*

6 *It is proved* the second part of the conclusion[1]. The interior act is compared to the exterior as tendency and motion to the term and end. But every tendency and motion is perfected and consummated in this, that it attain the end and reach the term; whence the will is not perfect unless it be such that, the opportunity being given, it operate. Therefore the exterior act adds to the interior goodness or malice, not simply, or distinct from the goodness or malice of the interior, but secundum quid, that is, the same extended and consummated, or its extension and consummation.

1 Ibid.

> Probatur *secunda pars conclusionis*[1]. *Actus interior comparatur ad exteriorem tamquam tendentia et motus ad terminum et finem. Atqui omnis tendentia et motus perficitur et consummatur in hoc quod consequatur finem et attingat terminum; unde non est perfecta voluntas, nisi sit talis qua opportunitate data operetur. Ergo actus exterior addit interiori bonitatem vel malitiam, non simpliciter, seu distinctam a bonitate vel malitia interioris, sed secundum quid, id est eamdem extensam et consummatam, seu ejus extensionem et consummationem.*
>
> [1] *Ibid.*

7 Whence it follows that it makes the one acting better, not simply, but secundum quid, and that it is in the order to punishment or reward, not essential, but accidental.

> *Ex quo sequitur quod faciat agentem meliorem, non simpliciter, sed secundum quid, et quod sit in ordine ad poenam aut praemium, non essentiale, sed accidentale.*

Whether the event that follows adds to the goodness or malice of the exterior act?

1 **I say** 1° : The event following, foreseen and in some manner intended, adds to goodness and badness of exterior act, whether it follow per se or per accidens[2].

2 Ibid., a. 5, c.

> ***Dico** 1° : Eventus sequens praevisus et aliquo modo intentus, addit ad bonitatem et malitiam actus exterioris, sive per se sequatur, sive per accidens*[2].
>
> [2] *Ibid., a. 5, c.*

2 *It is proved.* So much better or worse is the act, so much better or worse is the will. But better or worse is the will of him who, foreseeing and intending many goods or evils about to follow from his work, performs it, than if he foresaw and intended none of these. Therefore.

> Probatur. *Eo melior vel pejor est actus, quo melior vel pejor est voluntas. Atqui melior vel pejor est voluntas ejus qui, praevidens et intendens multa bona vel mala ex opere suo secutura, illud facit, quam si nihil horum praevideret et intenderet. Ergo.*

3 I said, « in some manner intended »; because, in order that the event following add to malice, it need not be directly intended, but suffices that it be intended indirectly and interpretatively. Now it is indirectly and interpretatively intended when it is thus foreseen as about to follow that it could and ought to have been impeded. Then there exists obligation of impeding and desisting from the act to which it follows, when there underlies no right or legitimate reason for performing that act.

Dixi : « Aliquo modo intentus; » quia, ut effectus sequens addat ad malitiam, non est necesse quod directe intendatur, sed sufficit quod sit indirecte et interpretative intentus. Tune autem est indirecte et interpretative intentus, quando sic praevidetur secuturus, ut potuerit et debuerit impediri. Tunc autem est obligatio impediendi et cessandi ab actu ad quem sequitur, quando non subest jus seu legitima ratio illum actum ponendi.

4 But what, when right or legitimate reason of not performing the act is present or absent, notwithstanding the evil event followed thence? This is work, this labor; nor can one rule be assigned. To this must attention be given : whether the event follows from that act per se or per accidens and by intervention of another cause; whether the act influences that evil event gravely or lightly, remotely or proximately. Moreover the evil of the event must be compared with the goodness of the act. Greater indeed reason is required that an act be legitimately performed from which evil follows per se, than if it follows per accidens and by intervention of another cause; greater, if the act influences proximately and gravely, than if lightly and remotely; greater, if the utility of the act do not preponderate, or at least not equal the evil of the event. With all these things attended to, judgment must be formed morally whether there be or be not right and legitimate reason for performing the act. Wherefore consult what I said concerning indirect voluntariness or voluntariness in cause, art. 1 of the first dissertation of this Treatise.

At quid, quando adest vel abest jus seu legitima ratio non ponendi actum, non obstante malo eventu inde secuto ? Hoc opus, hic labor est, nec potest una regula assignari. Ad id debet attendi, an eventus sequatur ex illo actu per se vel per accidens et interventu alterius causae; an actus in eum malum eventum influat graviter vel leviter, remote vel proxime. Item conferendum est malum eventus cum bonitate actus. Major enim ratio requiritur ut legitime ponatur actus ex quo per se sequitur malum, quam si per accidens et interventu alterius causae sequatur; major, si actus proxime et graviter influat, quam si leviter et remote; major, si utilitas actus non praponderet, aut saltem non aequivaleat malo eventus. Quibus omnibus attentis, judicandum est moraliter, utrum sit vel non sit jus et legitima ratio ponendi actum. Pro quo consule quae dixi de voluntario indirecto seu in causa, art. 1 primae dissertationis hujus Tract.

5 **I say** 2° : The event following per se from the act, even though it be not foreseen, nor willed in itself, adds to goodness or badness[1]; because what follows per se from the act pertains in a certain manner to its species, and therefore is virtually and implicitly willed in the very act. Moreover that act is the better from whose nature several goods are wont to follow, and that the worse from whose nature several evils are wont to follow. But an event is judged to follow per se from the act when it happens always or usually. Hence scandal following public fornication augments its malice, although the fornicator thought not of it, because it follows per se from such an act.

1 Ibid.

***Dico** 2° : Eventus per se sequens ad actum, etiamsi non sit praevisus, nec in se volitus, addit ad bonitatem vel malitiam[1]; quia quod per se sequitur ad actum, quodammodo ad ejus speciem pertinet, et ideo est virtualiter et implicite volitum in ipso actu. Insuper ille actus est melior ex cujus natura nata sunt sequi plura bona, et ille pejor est ex cujus natura nata sunt sequi plura mala. Eventus autem per se sequi censetur ex actu, quando semper aut ut plurimum accidit. Hinc*

scandalum ex publica fornicatione secutum auget ejus malitiam, quamvis fornicator de eo non cogitaverit, quia per se sequitur ex tali actu.

[1] *Ibid.*

6 Understand nevertheless this conclusion with this modification : that from the same act there follow not per se two effects equally immediate, one good, the other bad, according to the other principle of the holy Doctor, IIa 2ae, q. 64, a. 7, c., namely that, when of one act there are two effects equally immediate, one can be within intention, the other beside intention and not imputable, as appears in defense against unjust invader, from which equally immediately follow salvation of the invaded and death of the invader. Concerning which I shall speak more fully on Right and Justice.

Intellige tamen hanc conclusionem cum hac modificatione, quod ex eodem actu non sequatur per se aeque immediate duplex effectus, unus bonus, alter malus, juxta aliud principium S. Doctoris, IIa 2ae, q. 64, a. 7, c., scilicet quod, quando unius actus sunt duo effectus aeque immediati, unus possit esse ex intentione, alter praeter intentionem nec imputabilis, ut patet in defensione sui contra injustum invasorem, ex qua aeque immediate sequitur salus invasi et mors invasoris. De quo dicam amplius de Jure et Justitia.

7 **I say** 3° : The event following per accidens from the act, if it be not somehow intended, as was said in the first conclusion, adds not to goodness or badness[1] : 1° because no judgment is given concerning any thing according to what it is per accidens; 2° because such an event is in no manner voluntary, neither in itself nor in its cause. You have example in the woman who for just cause goes forth into public, from which she foresees the lapse of someone about to follow.

[1] Ibid.

***Dico** 3° : Eventus sequens per accidens ex actu, si non sit aliquo modo intentus, ut dictum est in prima conclusione, non addit ad bonitatem vel malitiam[1] : 1° quia non datur judicium de re aliqua secundum id quod est per accidens; 2° quia hujusmodi eventus nullo modo, neque in se, neque in causa, est voluntarius. Exemplum habes in muliere quae ex justa causa procedit in publicum, ex quo praevidet secuturum lapsum alicujus.*

[1] *Ibid.*

On Conscience

[1] **DISSERTATION V**

DISSERTATIO V

[2] **ON CONSCIENCE**

DE CONSCIENTIA

What is conscience, and of how many kinds?

[1] **I say** 1° : Conscience, quasi cum alio scientia [knowledge-with-another], or the conjunction and application of knowledge to some particular fact [1] , can be defined: « The judgment or dictate of the practical intellect dictating from common principles that something in particular here and now is to be shunned as evil, or done as good; » or, as commonly said, « dictating concerning the goodness or malice of those things which are to be done by us here and now. » Conscience therefore is the conclusion of the practical syllogism. Thus, e.g., synderesis says: « Evil is to be shunned. » Reason

subsumes: « Yet adultery is evil. » And conscience concludes in the particular: « Therefore adultery is to be shunned by me here and now. »

[1] Ia p., q. 79, a. 13, c.; hic q. 19, a. 5, c.; q. 17 de Veritate, a. 1, c.

> ***Dico** 1° : Conscientia, quasi cum alio scientia, seu conjunctio et applicatio scientiae ad aliquid particulare factum*[1]*, definiri potest : « Judicium seu dictamen intellectus practici ex principiis communibus dictans aliquid in particulari hic et nunc esse fugiendum ut malum, vel faciendum ut bonum; » seu, ut communiter dicitur, « dictans de bonitate vel malitia eorum quae hic et nunc a nobis sunt agenda. » Est itaque conscientia conclusio syllogismi practici. Sic, v. g., synderesis dicit : « Malum est fugiendum. » Ratio subsumit : « Atqui adulterium est malum. » Conscientia autem concludit in particulari : « Ergo mihi hic et nunc fugiendum est adulterium. »*
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> [1] *Ia p., q. 79, a. 13, c.; hic q. 19, a. 5, c.; q. 17 de Veritate, a. 1, c.*

[2] The definition is explained. It is called judgment or dictate, because conscience is an act, not a power or habit; for a power cannot be laid aside, and a habit is hard to move, but conscience can be laid aside and easily changed. It is called judgment or dictate of the intellect, because conscience pertains to the intellect, not to the will, as appears from the very etymology of the name; for conscience, as I said, is cum alio scientia. It is called judgment of the practical intellect, because the intellect, as while occupied by moral science with general conclusions concerning the goodness or malice of human actions, is called speculative-practical; so while occupied through conscience with particular conclusions concerning the goodness or malice of this act to be placed or shunned here and now, is called practice-practical.

> *Explicatur definitio. Dicitur judicium seu dictamen, quia conscientia est actus, non potentia aut habitus; potentia enim deponi non potest, et habitus est difficile mobilis, conscientia autem potest deponi et facile mutatur. Dicitur judicium seu dictamen intellectus, quia conscientia pertinet ad intellectum, non ad voluntatem, ut patet ex ipsa nominis etymologia; conscientia enim, ut dixi, est cum alio scientia. Dicitur judicium intellectus practici, quia intellectus, sicut dum per scientiam moralem versatur circa conclusiones generales de bonitate vel malitia actionum humanarum, dicitur speculative practicus; sic, dum per conscientiam versatur circa conclusiones particulares de bonitate vel malitia hujus actus hic et nunc ponendi vel fugiendi, dicitur practice practicus.*

[3] It is called judgment, not imperium, which is expressed in words of the imperative mood: « Do this; » because an imperium of this kind supposes conscience, and is often disconformable to it, as when conscience dictates that something be shunned as evil, and man, reason commanding and conscience remorseful, does it.

> *Dicitur judicium, non imperium, quod exprimitur verbis modi imperativi : « Fac hoc; » quia hujusmodi imperium supponit conscientiam, estque illi non raro difforme, ut cum conscientia dictet aliquid esse fugiendum ut malum, et homo, imperante ratione et remordente conscientia, facit.*

[4] It is called dictating something in particular to be done or shunned [2] ; because although conscience be also of past things by testifying, approving, reproving, remorsing — of which Apostle, II Cor., I, 12 : This is our glory, the testimony of our conscience; and Isa., LXVI, 24, concerning the conscience of the damned: Their worm shall not die — therefore conscience in all its breadth ought to have been defined, « dictating something to be, to be about to be, or to have been done or shunned. » Because however we treat here of conscience as rule of things to be done, therefore we define under the limitation placed.

[2] Ia p., q. 79, a. 13, c.; q. 17 de Veritate, a. 1, c.

Dicitur dictans aliquid in particulari esse faciendum vel fugiendum[2]; quia, licet conscientia sit etiam de praeteritis testificando, approbando, improbando, remordendo, de qua Apost., II Cor., I, 12 : Gloriatio haec est, testimonium conscientiae nostrae ; et Isa., LXVI, 24, de conscientia damnatorum : Vermis eorum non morietur. Et ideo conscientia in tota sua latitudine definiri debuisset, « dictans aliquid esse, fore, vel fuisse faciendum aut fugiendum. » Quia tamen hic agimus de conscientia prout est regula agendorum, ideo sub limitatione posita definimus.

2 Ia p., q. 79, a. 13, c.; q. 17 de Veritate, a. 1, c.

5 [Conscience differs from Synderesis, which is not a practice-practical judgment concerning things to be done here and now, but « the habitus of operable principles, » which habitus also pertains to the intellect. The Angelic Doctor thus determines the nature of synderesis, Ia p., q. 79, a. 12, c. : « Synderesis is not a power, but a habitus: although certain ones placed synderesis as a certain power higher than reason, others indeed said it is reason itself, not as it is reason, but as nature. For the evidence of this it must be considered that man's ratiocination, since it is a certain motion, proceeds from the understanding of certain things, namely naturally known without investigation of reason, as from a certain immobile principle, and terminates at understanding also, inasmuch as we judge through principles per se naturally known concerning the things found out by ratiocinating. But it stands established that, as speculative reason ratiocinates about speculative things, so practical reason ratiocinates about operable things. There must therefore be naturally indited in us, as principles of speculative things, so also principles of operables. But first, the principles of speculative things naturally indited in us do not pertain to any special power, but to a certain special habitus, which is called the understanding of principles, as appears in VI Ethic., c. 6. Whence also the principles of operables naturally indited in us pertain not to a special power, but to a special natural habitus, which we call synderesis. Whence synderesis is said 'to instigate toward good and murmur about evil,' inasmuch as we proceed through first principles to find out, and judge what is found. It appears therefore that synderesis is not a power, but a natural habitus. »

[Differt conscientia a Synderesi, quae non est judicium practice practicum, de his quae hic et nunc sunt agenda, sed « habitus principiorum operabilium, » qui habitus etiam ad intellectum pertinet. Naturam synderesis ita determinat Doctor Angelicus, Ia p., q. 79, a. 12, c. : « Synderesis non est potentia, sed habitus : licet quidam posuerint synderesim esse quamdam potentiam ratione altiorem, quidam vero dixerint eam esse ipsam rationem, non ut est ratio, sed ut natura. Ad hujus autem evidentiam considerandum est quod ratiocinatio hominis, cum sit quidam motus, progreditur ab intellectu aliquorum, scilicet naturaliter notorum absque investigatione rationis, sicut a quodam principio immobili, et ad intellectum etiam terminatur, in quantum judicamus per principia per se naturaliter nota de his quae ratiocinando inveniuntur. Constat autem quod, sicut ratio speculativa ratiocinatur de speculativis, ita ratio practica ratiocinatur de operabilibus. Oportet igitur naturaliter nobis esse indita, sicut principia speculabilium, ita et principia operabilium. Primo autem principia speculabilium nobis naturaliter indita non pertinent ad aliquam specialem potentiam, sed ad quemdam specialem habitum, qui dicitur intellectus principiorum, ut patet in VI Ethic., c. 6. Unde et principia operabilium nobis naturaliter indita, non pertinent ad specialem potentiam, sed ad specialem habitum naturalem, quem dicimus synderesim. Unde et synderesis dicitur « instigare ad bonum et murmurare de malo, » in quantum per prima principia procedimus ad inveniendum, et judicamus inventa. Patet ergo quod synderesis non est potentia, sed habitus naturalis. »

6 Synderesis therefore is habitus, but conscience act.

Synderesis ergo est habitus, conscientia vero est actus.

7 Through synderesis the intellect possesses general principles whose light we can judge of the morality of actions, and conscience is an act of the intellect commanded by the will whereby we apply moral principles to judging of the morality of our actions in the singular.

> *Per synderesim intellectus possidet principia generalia quorum lumine judicare possumus de moralitate agendorum, et conscientia est actus intellectus, a voluntate imperatus, quo applicamus principia moralia ad judicandum de moralitate actionum nostrarum in singulari.*

8 Sometimes however synderesis is named conscience, but improperly, because habitus is taken for the act of which it is principle. Which our Doctor marks ibidem, a. 13, c. : « Properly speaking, conscience names an act. But since habitus is the principle of act, sometimes the name of conscience is attributed to the first natural habitus, namely synderesis, as Jerome, in glossa Ezech. I, calls synderesis conscience, and Basil, natural judgment, and Damascene says that it is the light of our intellect. For it is customary that causes and effects be mutually named. »]

> *Quandoque tamen synderesis nominatur conscientia, sed improprie, quia habitus pro actu cujus est principium sumitur. Quod sic advertit Doctor noster, ubi supra, a. 13, c. : « Proprie loquendo, conscientia nominat actum. Quia tamen habitus est principium actus, quandoque nomen conscientiae attribuitur primo habitui naturali, scilicet synderesi, sicut Hieronymus, in glossa Ezech. I, synderesim conscientiam nominat, et Basilius, naturale judicatorium, et Damascenus dicit quod est lux intellectus nostri. Consuetum enim est quod causae et effectus per invicem nominentur. »]*

9 **I say** 2° : Conscience is divided commonly into true and false or erroneous, uncertain and probable or opinionative, and doubtful; into perplexed, scrupulous and lax; because reason judges in just so many ways from common principles of the licitness or illicitness of a particular action, as will appear from the enumeration and explanation of each.

> ***Dico** 2° : Conscientia dividitur communiter in veram et falsam seu erroneam, incertam et probabilem seu opinativam et dubiam, in perplexam, scrupulosam et laxam; quia totidem modis ratio judicat ex principiis communibus de licitate vel illicitate actionis particularis, ut patebit ex enumeratione et explicatione singularum.*

10 True conscience is that which from true principles dictates something in particular to be licit or illicit which is really such.

> *Conscientia vera, est quae ex principiis veris dictat aliquid in particulari esse licitum vel illicitum, quod est revera tale.*

11 False or erroneous conscience is that which from false principles, nevertheless reputed true, dictates something to be licit or illicit which is not really such. And it is twofold, vincibly and invincibly erroneous, like ignorance itself.

> *Conscientia falsa seu erronea, est quae ex principiis falsis, reputatis tamen veris, dictat aliquid esse licitum vel illicitum, quod non est revera tale. Et est duplex, vincibiliter et invincibiliter erronea, sicut ipsa ignorantia.*

12 Certain conscience is that which formally and in itself, and in all the principles from which it is immediately formed, is such as to exclude every reasonable fear of the opposite.

> *Conscientia certa, est quae formaliter et in se ac in omnibus principiis ex quibus immediate formatur, est talis, ut excludat omnem formidinem rationabilem de opposito.*

13 Probable or opinionative conscience is that which from merely probable principles dictates something to be licit or illicit, with fear of the opposite part.

Conscientia probabilis seu opinativa, est quae ex principiis tantum probabilibus dictat aliquid esse licitum vel illicitum, cum formidine partis oppositae.

14 Doubtful conscience is the suspension of the intellect assenting to neither part of a contradiction, either because of contrary reasons equally probable, and it is called doubtful positively; or because it has no reasons pro or contra, and is called doubtful negatively. It would better be called un-knowing or ignorant. For one asking whether the sands of the sea are equal, one would better answer: « I know not, » than: « I doubt; » because if asked further why I doubt, I should have nothing to answer. Conscience doubtful in either way does not seem conscience properly and strictly so called, because it is not a definite judgment, such as conscience ought to be.

Conscientia dubia, est suspensio intellectus neutri parti contradictionis assentientis, sive propter rationes contrarias aeque probabiles, et dicitur dubia positive; sive quia nullas habet rationes pro aut contra, et dicitur dubia negative. Melius diceretur nesciens aut ignorans. Quaerenti enim an arenae maris sint pares, melius responderem : « Nescio, » quam : « Dubito ; » quia ulterius quaerenti, cur dubitem, nihil haberem quod responderem. Conscientia utroque modo dubia, non videtur conscientia proprie et stricte dicta, quia non est judicium definitum, quale debet esse conscientia.

15 [Perplexed conscience is that whereby someone, constituted amid two precepts, believes he sins whichever part he choose. E.g., if one could by perjury save the life or liberty of the accused in court, and were distressed on the one side by the precept of religion not to perjure himself, and on the other, led by error, by the precept of charity toward his neighbor, nor could resolve the difficulty.]

[Conscientia perplexa est ea qua quis in medio duorum praeceptorum constitutus, peccare credit, quamcumque partem eligat. V. g., si quis perjurio posset in judicio servare vitam aut libertatem rei, et ex una parte angeretur praecepto religionis non pejerandi, et ex alia, errore ductus, praecepto charitatis erga proximum, nec difficultatem resolvere valeret.]

16 Scrupulous conscience is that which from futile and utterly contemptible reasons judges or fears lest an action be evil. I say: « Judges or fears, » because if it truly from these light and vain reasons judge the action evil, it is truly conscience; but if it only fear lest it be evil against the judgment it has of its goodness, it is not properly conscience, but rather the shadow or likeness of conscience. The first is called scruples formed, the second scruples agitated. Against the former it is not lawful to act, well against the latter, as I shall say below.

Conscientia scrupulosa, est quae ex futilibus et prorsus contemnendis rationibus judicat aut timet ne mala sit actio. Dico : « Judicat aut timet, » quia, si revera ex his levibus et inanibus rationibus judicet esse actionem malam, est vere conscientia; si autem tantum timet ne sit mala, contra judicium quod habet de ejus bonitate, non est proprie conscientia, sed potius umbra vel similitudo conscientiae. Prima dicitur ex scrupulis formata, secunda scrupulis agitata. Contra primam non est licitum agere, bene contra secundam, ut dicam infra.

17 Lax or loose conscience is that which from very slight and contemptible moments judges that not evil which is really evil, or a light evil which is grave, when either can easily be detected. To this approaches the pharisaical conscience, which makes great things small and small things great, straining out the gnat and swallowing the camel, Matth., XXIII, 24. These two consciences, scrupulous and lax, differ in this, as appears, from the probable, that the probable rests upon weighty moments, not these; whence they belong to the erroneous.

Conscientia lata, seu laxa, est quae ex levibus admodum et contemnendis momentis judicat non esse malum quod revera est malum, aut leve malum quod est grave, cum utrumque possit facile deprehendi. Huic accedit pharisaica, quae magna

parvi et parva magni facit, excolans culicem et camelum deglutiens, Matth., XXIII, 24. Hae duae conscientiae, scrupulosa et laxa, in hoc, ut patet, differunt a probabili, quod probabilis nitatur gravibus momentis, non istae; unde pertinent ad erroneam.

Whether, and how, we are bound to conform to an erring conscience?

1 In a twofold way we can conform to conscience: negatively, by not acting against it; positively, by acting according to it.

Duplici modo possumus conformari conscientiae : negative, non agendo contra illam ; positive, agendo secundum illam.

2 **I say** 1°: It is never licit to act against conscience, whether prohibiting or commanding, whether true or erroneous, even if it err vincibly; so that, if conscience dictate something to be prohibited, that cannot be put into act, and if it dictate something to be commanded, that cannot be omitted.

***Dico** 1° : Nunquam licet agere contra conscientiam tam prohibentem quam praecipientem, sive veram, sive erraneam, etiamsi vincibiliter erret; ita ut, si conscientia dictet aliquid esse prohibitum, non possit illud poni, et si dictet aliquid esse praeceptum, non possit illud omitti.*

3 This is common opinion with the Author[1].

1 Here q. 19, a. 5, c.; Ia p., q. 79, a. 13, c.

Est communis cum Authore[1].

1 Hic q. 19, a. 5, c.; Ia p., q. 79, a. 13, c.

4 *It is proved* 1° from that of the Apostle ad Rom., XIV, 23: All that is not of faith is sin. For by faith the holy Fathers and interpreters commonly understand conscience.

Probatur *1° ex illo Apost. ad Rom., XIV, 23 : Omne quod non est ex fide, peccatum est. Per fidem enim communiter SS. Patres et interpretes intelligunt conscientiam.*

5 *It is proved* 2° by reason[2]. 1° Conscience is the proximate and immediate rule of human acts, namely inasmuch as it intimates or applies the law here and now commanding or prohibiting, whether because by force and name of law it prohibits or commands this act, although perhaps the law neither prohibit nor command it. Therefore to act against conscience is to act against the law actually binding, at least judged such; which cannot come to pass without contempt of law. 2° He sins who wills sin and is allured by it[3]. But he who acts against conscience, even erring, wills sin. Therefore. — *Proof.* of the minor. He wills sin who does what he judges to be sin. But he who acts against conscience does what he judges to be sin. Therefore.

2 Ibid.

3 Quodlib. 3, a. 26, c.

Probatur 2° *ratione[2]. 1° Conscientia est proxima et immediata regula actuum humanorum, quatenus scilicet intimat seu applicat legem hic et nunc praecipientem aut prohibentem, sive quatenus vi et nomine legis prohibet aut praecipit hunc actum, quamvis forte lex non prohibeat aut praecipiat. Ergo agere contra conscientiam, est agere contra legem actu obligantem, saltem existimatam talem; quod fieri non potest absque contemptu legis. 2° Ille peccat, qui vult peccatum et ei allicitur[3]. Atqui qui agit contra conscientiam, etiam errantem, vult peccatum. Ergo.* — Prob. min. *Ille vult peccatum, qui facit id quod judicat peccatum. Atqui qui agit contra conscientiam, facit quod judicat peccatum. Ergo.*

2 Ibid.

[3] *Quodlib. 3, a. 26, c.*

6 **I say** 2°: We are bound not only not to act against an invincibly erroneous conscience, but we are bound absolutely to act according to it, while it dictates something to be done as of precept[1].

[1] Here q. 19, a. 6, c.

***Dico** 2° : Non solum tenemur non agere contra conscientiam invincibiliter erroneam, sed tenemur absolute agere secundum illam, dum dictat aliquid esse de praecepto faciendum*[1].

[1] *Hic q. 19, a. 6, c.*

7 *It is proved*: 1° Because omission of the act which invincibly erroneous conscience dictates to be of precept is no more from faith than the doing of the act which it dictates to be prohibited. 2° Because not to act according to invincibly erroneous conscience commanding something is to act against it: thus, e.g., if conscience dictate to thee invincibly that thou must lie in order to save the life of thy neighbor, if thou act not according to it by lying, by this very fact thou actest against it. But from the preceding conclusion it stands that it is not licit to act against an invincibly erring conscience. Therefore.

Probatur *: 1° Quia omissio actus quem conscientia invincibiliter erronea dictat esse de praecepto faciendum, non est ex fide magis quam positio actus quem dictat esse prohibitum. 2° Quia non agere secundum conscientiam invincibiliter erroneam aliquid praecipientem, est agere contra illam : sic, v. g., si conscientia tibi dictat invincibiliter esse mentiendum ad salvandam vitam proximi, si non agas secundum illam mentiendo, hoc ipso agis contra illam. Atqui ex praecedenti conclusione constat, non esse licitum agere contra conscientiam invincibiliter errantem. Ergo.*

8 [Not only he who acts with an invincibly erroneous conscience does not sin, but also, more probably, acquires merit. The reason is, that to pronounce some act good, at least inadequately, it suffices that it be directed by the dictate of reason and prudence. Since therefore one who acts prudently acts, without doubt he ought to merit on account of the good end which he intends and by whose power he acts, namely the glory of God or charity toward neighbor, etc.; just as, on the contrary, he demerits who does a work materially good but apprehended as evil, on account of the evil end unto which it is directed. This is drawn from this principle, that, if integrally or adequately, that is materially at once and formally, acts are specified by object and end; nevertheless, under the latter respect, their morality is determined by end alone, as the Angelic Doctor teaches, Ia IIae, q. 1, a. 3, c.: « Moral acts properly take their species from the end. » Whence he concludes, Quodlib. II, a. 27, c.: « A human act is judged virtuous or vicious according to the good apprehended, into which the will tends, and not according to the material object of the act. » And herein he consents to Augustine saying lib. II de Moribus Ecclesiae et Manich., c. 13, n. 27: « If the end to which the things we do are referred, that is for the sake of which we do whatever we do, have been not only blameless but also laudable, then at length our deeds also are worthy of some praise. » To which accords Bernard in lib. de Praecepto et Dispensat., c. 14, n. 41: « And indeed, he says, I should call worthy of praise pious intention alone, nor shall good will itself be plainly defrauded of due recompense even in a work not good. »]

[Non solum qui operatur cum conscientia invincibiliter erronea non peccat, sed etiam probabilius acquirit meritum. Ratio est, quia ad dicendum aliquem actum bonum, saltem inadaequate, sufficit ut dirigatur per rationis et prudentiae dictamen. Cum ergo operans prudenter agit, procul dubio mereri debet propter bonum finem quem intendit et cujus virtute operatur, nempe gloriae Dei aut charitatis erga proximum, etc.; sicut, e contra, demeretur qui facit opus

materialiter bonum, sed apprehensum ut malum, propter malum finem in quem dirigitur. Id eruitur ex hoc principio, quod, si integre seu adaequate, id est materialiter simul et formaliter, actus specificantur ex objecto et fine; attamen, sub posteriori respectu, ex fine tantum eorum moralitas determinatur, ut Angelicus docet, Ia 2ae, q. 1, a. 3, c. : « Actus morales proprie speciem sortiuntur ex fine. » Unde concludit, Quodlib. II, a. 27, c. : « Actus humanus judicatur virtuosus vel vitiosus secundum bonum apprehensum, in quod voluntas fertur, et non secundum materiale objectum actus. » Et in hoc consentit Augustino dicenti lib. II de Moribus Ecclesiae et Manich., c. 13, n. 27 : « Finis quo referuntur ea quae facimus, id est propter quem facimus quidquid facimus, si non solum inculpabilis, sed etiam laudabilis fuerit, tunc demum etiam facta nostra laude aliqua digna sunt. » Cui consonat Bernardus in lib. de Proecepto et Dispensat., c. 14, n. 41 : « Et quidem, ait, laude dignam dixerim vel solam intentionem piam, nec plane condigna remuneratione fraudabitur in opere quoque non bono ipsa bona voluntas. »]

9 **I say** 3°: More probably we are bound to act according to a vincibly erring conscience commanding something to be done, not absolutely, but conditionally and on the hypothesis that it be not laid aside, as it can and ought to be laid aside. It is the opinion of John of St. Thomas, Serra and many others, against Sylvius and many others.

***Dico** 3° : Probabilius tenemur agere secundum conscientiam vincibiliter errantem praecipientem aliquid faciendum, non absolute, sed conditionate et in hypothesi quod non deponatur, ut potest et debet deponi. Est Joannis a S. Thoma, Serra et plurium aliorum, contra Sylvium et plures alios.*

10 It is manifest by the same reasons: both because omission of the act which erroneous conscience dictates to be of precept is not from faith; and because not to act according to a vincibly erring conscience commanding something to be done is to act against it, as I was just now saying of invincibly erring conscience. Therefore.

Patet iisdem rationibus : tum quia omissio actus quem conscientia erronea dictat de praecepto esse faciendum, non est ex fide; tum quia non agere secundum conscientiam vincibiliter errantem aliquid faciendum praecipientem, est contra illam agere, ut modo dicebam de conscientia invincibiliter errante. Ergo.

11 *You will say*: One can and is held to lay aside that conscience. Therefore he is not held to act according to it. Indeed he can and is held to lay it aside; but, if he lay it not aside, what must he do? In this supposition alone our conclusion runs. And we say that he is held to follow it, because he cannot act against it; but he would act against it if he did not follow it. — *Thou wilt infer*: Therefore he will be bound to sin, because he sins by following it. So it is. He will be bound to sin, not absolutely, but from a supposition voluntary on his part, which he can take away by laying aside his conscience. Which is not inconvenient.

Dices *: Potest et tenetur deponere istam conscientiam. Ergo non tenetur agere secundum illam. Equidem potest et tenetur deponere; sed, si non deponat, quid est illi agendum? In hac enim tantum suppositione currit nostra conclusio. Et dicimus quod teneatur illam sequi, quia non potest contra illam agere; ageret autem contra illam, si non sequeretur.* — Inferes *: Ergo obligabitur ad peccandum, quia peccat sequendo illam. Ita est. Obligabitur ad peccandum, non absolute, sed ex suppositione sibi voluntaria, quam auferre potest, deponendo conscientiam. Ut hoc non est inconveniens.*

12 *You will ask* 1° how he who labors under vincibly erroneous conscience ought to lay it aside.

Petes *1° quomodo qui laborat conscientia vincibiliter erronea debeat illam deponere.*

13 *I answer.* that he ought to lay it aside with prudence and maturity, lest, if he lay it aside rashly, and perhaps the conscience which he suspects to be erroneous be not erroneous, he expose himself to danger of doing ill what conscience prohibited, or omitting ill what it commanded. He ought

therefore to employ humble prayer to the Father of lights, examine the whole matter exactly, consult books or learned men, and employ such diligence as prudent and upright men are wont to employ in weighty affairs. Speaking regularly, however, there suffices for the unlettered, indeed also for scrupulous lettered men, the judgment of pastor, confessor, or superior, saying that the conscience is erroneous; because by right it is presumed that God denies not to those whom he has set as rectors of others the light necessary for ruling them, while they themselves lack it.

> Resp. *debere illam deponere cum prudentia et maturitate, ne, si temere deponat, et forte conscientia quam suspicatur esse erroneam non sit erronea, se exponat periculo male agendi quod conscientia prohibebat, aut male omittendi quod praecipiebat. Debet ergo adhibere humilem orationem ad Patrem luminum, rem totam exacte discutere, consulere libros aut viros doctos, et talem adhibere diligentiam quam viri prudentes et probi adhibere solent in negotiis momentosis. Sufficit autem, regulariter loquendo, illitteratis, imo et litteratis scrupulosis judicium, sive pastoris, sive confessarii, sive superioris dicentis conscientiam esse erroneam; quia jure praesumitur, Deum iis quos posuit aliorum rectores non denegare lumen ad eos regendos necessarium, dum proprium illis deficit.*

14 [These things indeed are true regarding him who here and now in any way advertises or suspects the necessity of inquiring into the licitness of an action before he put it into act. But it can happen that, even if the error be truly vincibly contracted, because it was formerly incurred culpably, the agent in the present neither adverts to it nor suspects it. This happens to a confessor who once cultivated theology insufficiently, or too long neglected its study through negligence. Of such a confessor St. Thomas most rightly says, q. 17 de Veritate, a. 8, ad 8, that « he is never excused from sin, » whether he act according to conscience or against it. And the reason of this decision is evident, because there remains the sin, however old it be supposed, of culpable ignorance of those things which one is held to know, that he rightly fulfill the duties of his own state. This guilt is indeed not incurred at the instant at which one is about to act, but it is a fault of diligence formerly omitted and independent of present action. Whence the gravity of this sin is not drawn from the action now to be put forth, but must be estimated from the common principles concerning sins of ignorance. Hence is also seen why, in this case, he is more guilty who acts against conscience than he who acts according to it. For the latter has only the aforesaid guilt of ignorance; the former truly, besides this, adds now another guilt of an action put forth against conscience, from the principle enunciated by the Apostle, Rom., XIV, 23: All that is not of faith is sin. — If he who labors under such ignorance retract the admitted fault through congruent penance and added diligence, as is fitting, he is to be equated with him who lives in invincible ignorance.]

> *[Haec quidem vera sunt quoad eum qui hic et nunc aliquo modo advertit aut suspicatur necessitatem inquirendi de licitate actionis, antequam eam ponat. Sed fieri potest ut, etiamsi error sit revera vincibilis, quia olim fuit culpabilis, agens in praesenti eum non advertat nec suspecetur. Hoc accidit confessario qui olim theologiam non satis excoluit, aut hujus studium nimis diu ex negligentia intermisit. De tali confessario S. Thomas rectissime dicit, q. 17 de Veritate, a. 8, ad 8, quod « nunquam a peccato excusatur, » sive agat juxta conscientiam, sive contra. Et hujus decisionis ratio est evidens, quia remanet peccatum, quantumvis vetus supponatur, culpabilis ignorantiae eorum quae quis scire tenetur, ut officia proprii status recte adimpleat. Non incurritur quidem reatus iste eo instanti quo quis acturus est, sed est culpa omissae olim diligentiae et ab actione praesenti independens. Unde gravitas hujus peccati non desumitur ab actione nunc ponenda, sed ex communibus principiis de peccatis ignorantiae aestimanda est. Hinc perspicitur etiam cur, in casu, magis reus sit qui agit contra conscientiam, quam qui juxta. Hic enim praedictum tantummodo ignorantiae reatum habet ; ille vero, praeter hunc, addit nunc alium reatum actionis contra conscientiam positae, ex principio ab Apostolo enunciato, Rom., XIV, 23 : Omne quod non est ex fide, peccatum est. — Si ille qui tali ignorantia laborat, culpam admissam per*

congruam paenitentiam et additam diligentiam, ut par est, retractaverit, illi aequiparandus est qui in ignorantia invincibili versatur.]

15 *You will ask* 2° whether a subject can obey a superior against conscience dictating that it is illicit here and now to obey him.

Petes *2° utrum subditus possit obedire superiori contra conscientiam dictantem esse illicitum hic et nunc illi obedire.*

16 *I answer.* in the negative; because, as was said, it is never licit to act against conscience, and it binds by force of divine precept, which outweighs the precept of man. Yet if it be vincibly erroneous, the subject ought to lay it aside and obey.

Resp. *negative; quia, ut dictum est, nunquam licet agere contra conscientiam, et ipsa obligat vi praecepti divini, quod praeponderat praecepto hominis. Si tamen sit vincibiliter erronea, subditus debet eam deponere et obedire.*

17 Yet beware lest here thou confuse conscience about the liceity or illicenity of obedience to be rendered here and now to a superior, with doubt or speculative judgment about the injustice of his precept, as certain men seem here to confuse, and therefore treat and resolve this question very perplexedly. These things are wholly diverse, and a subject can doubt, or even judge more probably speculatively that the superior commands ill, and nevertheless practically judge himself held here and now to obey him. That this may be explained,

Verum cave ne hic confundas conscientiam de licitate vel illicitate obedientiae praestandae hic et nunc superiori, cum dubio aut judicio speculativo de injustitia ejus praecepti, prout quidam hic videntur confundere, et ideo hanc quaestionem valde perplexe tractant et resolvunt. Haec enim sunt omnino diversa, et potest subditus dubitare, aut etiam probabilius judicare speculative superiorem male praecipere, et tamen practice judicare se teneri hic et nunc illi obedire. Quod ut explicetur,

18 *You will ask* 3° whether a subject doubting or judging more probably the precept of a superior to concern something illicit, can and ought obey him.

Petes *3° utrum subditus dubitans aut probabilius judicans praeceptum superioris esse de re illicita, possit et debeat illi obedire.*

19 *I answer.* A subject who is not certain, but doubts, or even judges more probably the precept of the superior to concern something illicit, speaking regularly, can and is held to obey him, forming for himself a morally certain conscience of the liceity of his obedience from the following principles.

Resp. *Subditus qui non est certus, sed dubitat, aut etiam probabilius judicat praeceptum superioris esse de re illicita, regulariter loquendo, potest et tenetur illi obedire, formando sibi conscientiam moraliter certam de lieitate suae obedientiae ex principiis sequentibus.*

20 1° The holy Fathers teach that one must obey a superior when it is not certain that what he commands is against God. Aug., lib. XXII contra Faustum, cap. 75: « A just man, he says, if perchance he serve as soldier under a king, even a sacrilegious one, could rightly, at his command, wage war, observing the order of civil peace; of which it is certain either that what is commanded is not against the precept of God, or that it is uncertain whether it be. » St. Bernard., lib. de Praecept. et Dispensat., c. 9, n. 21:

1° SS. Patres docent obediendum esse superiori, quando non est certum quod id quod praecipit sit contra Deum. Aug., lib. XXII contra Faustum, cap. 75 : « Vir justus, inquit, si forte sub rege homine etiam sacrilego militet, recte posset, illo

jubente, bellare, civicae pacis ordinem servans ; cui quod jubetur, vel non esse contra Dei praeceptum certum est, vel utrum sit, certum non est. » S. Bernard., lib. de Praecept. et Dispensat., c. 9, n. 21 :

21 « Whatever man commands in God's stead, provided it be not certain that it displease God, is altogether to be received no otherwise than if God command it. » St. Bernardine of Siena, in the dialogue on Obedience: « A subject reasonably doubts whether what is commanded be sin: is he then not held to obey the prefect? »

« Quidquid vice Dei praecipit homo, quod non sit tamen certum displicere Deo, haud secus omnino accipiendum est, quam si praecipiat Deus. » S. Bernardinus Senensis, in dialogo de Obedientia : « Subditus rationabiliter dubitat an quod praecipitur, sit peccatum : an non tunc praefecto obedire tenetur? »

22 2° The superior has certain right of commanding, nor is he stripped of his right on account of the subject's doubt. Therefore the subject is held to obey him; for right of commanding and obligation of obeying are correlates.

2° Superior habet jus certum praecipiendi, neque ob dubium subditi exuitur jure suo. Ergo subditus tenetur illi obedire ; sunt enim correlativa jus praecipiendi et obligatio obediendi.

23 3° From denial of obedience, while manifest cause cannot be assigned, authority is enervated in superiors, obedience perishes among subjects, quarrels and contentions are born between superiors and inferiors, and thus government is impeded in many things, with scandal of others.

3° Ex denegatione obedientiae, dum causa manifesta assignari non potest, enervatur authoritas in superioribus, deperit obedientia in subditis, nascuntur jurgia et contentiones inter superiores et inferiores, sicque regimen impeditur in multis, cum aliorum scandalo.

24 From these principles therefore, although there remain a speculative doubt or more probable judgment about the dishonesty of the precept, which I suppose invincible, the subject can form for himself a morally certain conscience about the honesty of his obedience, thus discoursing: I can and am held to obey a superior when I am not certain that what he commands me is against God. But I am not certain that what he here and now commands me is against God. Therefore I can and am held here and now to obey him. The major is morally certain, from the principles posited. The minor is physically certain, and therefore also the conclusion, which is conscience, is morally certain.

Ex his ergo principiis, quamvis permaneat speculativum dubium aut judicium probabilius de inhonestate praecepti, quod suppono esse invincibile, potest subditus sibi formare conscientiam moraliter certam de honestate suae obedientiae, sic discurrendo : Possum et teneor obedire superiori, quando non sum certus quod id quod mihi praecipit sit contra Deum. Atqui non sum certus quod id quod mihi hic et nunc praecipit sit contra Deum. Ergo possum et teneor hic et nunc illi obedire. Major est moraliter certa, ex principiis positis. Minor est physice certa, adeoque et conclusio, quae est conscientia, est moraliter certa.

25 I said, « speaking regularly; » because the conclusion admits exception, if namely from obedience there follow a graver inconvenience than from disobedience. For a superior is not judged prudent to will binding in these circumstances, otherwise he would abuse his right. And if he insist, ignorant perhaps of the inconvenience, the subject is understood to obey as much as he can and ought. Nor can it be said that he has certain right of commanding in these circumstances, but rather on the contrary it seems certain that he has it not.

Dixi, « regulariter loquendo ; » quia conclusio patitur exceptionem, si nempe ex obedientia sequatur gravius inconveniens, quam ex inobedientia. Non enim censetur superior prudens velle obligare in his circumstantiis, alioquin abuteretur jure suo. Et si instet, ignorans forte inconveniens, intelligendum est quantum potest et debet subditus obedire. Neque diei potest quod habeat jus certum praecipiendi in his circumstantiis, sed e contra potius videtur certum quod non habeat.

Of what species and gravity is the sin of acting against conscience?

[1] **I say** 1°: To act against conscience, whether right or erroneous, is not of itself a special sin; because the precept of acting according to conscience is not a special precept, but general, such as the precept of obeying the law. Whence that it be against right conscience, e.g., to steal, conscience remorsing, it retains the species of the sin committed, namely theft; but that it be against erroneous conscience pertains to that species of sin which conscience dictates against which one acts [1] : as, if conscience dictate that one must lie to save the life of his neighbor, not lying pertains to sin of homicide; if it dictate that to swear would be sacrilege, if he swear it will be sacrilege. The reason is, because an act is specified by its object, not as it is in itself, but as it is in apprehension.

[1] Here q. 19, a. 5, ad 3.

***Dico** 1° : Agere contra conscientiam, sive rectam, sive erroneam, secundum se non est speciale peccatum ; quia praeceptum agendi secundum conscientiam non est speciale praeceptum, sed generale, quale est praeceptum obediendi legi. Unde quod sit contra conscientiam rectam, v. g., furari, remordente conscientia, retinet speciem peccati quod committitur, scilicet furti ; quod autem sit contra conscientiam erroneam, pertinet ad eam speciem peccati quam dictat conscientia contra quam agitur[1] : ut, si conscientia dictat esse mentiendum ad salvandam vitam proximi, non mentiri pertinet ad peccatum homicidii; si dictet jurare esse sacrilegium, si juret, erit sacrilegium. Ratio est, quia actus specificatur ab objecto, non ut est in se, sed ut est in apprehensione.*

[1] *Hic q. 19, a. 5, ad 3.*

[2] **I say** 2°: What is done against conscience, whether vincibly or invincibly erring, is mortal or venial; because as species so also quantity of malice is taken from the object, not according to itself, but as apprehended and proposed to the will [2]. Whence whoever acts against conscience dictating something to be mortal sins mortally; if conscience dictate it venial he sins venially. Except, unless what conscience vincibly erring dictates venial or light be in reality grave and mortal; because voluntary error, such as vincible is, does not take away essential gravity of sin. Whence whoever steals gold thinking vincibly it to be venial sin nevertheless sins mortally.

[2] Ibid.

***Dico** 2° : Quod fit contra conscientiam, sive vincibiliter sive invincibiliter errantem, est mortale vel veniale ; quia, sicut species, ita et quantitas malitiae sumitur ab objecto, non secundum se, sed ut apprehenso et voluntati proposito[2]. Unde qui agit contra conscientiam dictantem esse mortale, peccat mortaliter; si conscientia dictet esse veniale, peccat venialiter. Excipe, nisi id quod conscientia errans vincibiliter dictat veniale vel leve, sit reipsa grave et mortale; quia error voluntarius, qualis est vincibilis, non tollit gravitatem essentialem peccati. Unde qui furatur aureum, putans vincibiliter esse peccatum veniale, peccat nihilominus mortaliter.*

[2] *Ibid.*

[3] **I say** 3°: If erring conscience dictates something to be evil, but determines it not to be mortal or venial — which happens not rarely — a distinction must be made. Either conscience proposes, at least confusedly, the matter about which it is concerned as something grave or as something light: if

the first, to act against it will be mortal; if the second, venial. Always the same reason holds, because quantity of malice of will is from the object apprehended through reason. But if in no way, nor even confusedly, it advert to gravity or lightness, it seems more probable that then to act against it is mortal sin; because thus the agent exposes himself to peril of sinning mortally, and wills to commit the sin whatsoever it be. — It is *confirmed*. Whoever is ready to swear anything whatsoever, whether true or false, if not advertent to true or false he swear, sins mortally by swearing, even though he swear truth. Ergo similarly.

> ***Dico** 3° : Si conscientia errans dictat aliquid esse malum, sed non determinat esse mortale vel veniale, quod non raro accidit, distinguendum est. Vel conscientia proponit, saltem confuse, materiam circa quam versatur ut quid grave, aut ut quid leve: si primum, agere contra ipsam erit mortale; si secundum, erit veniale. Eadem semper est ratio, quia quantitas malitiae voluntatis est ab objecto per rationem apprehenso. Si vero nullo modo, nec etiam in confuso, attendat ad gravitatem vel levitatem, probabilius videtur quod tunc sit peccatum mortale agere contra illam ; quia sic agens se exponit periculo peccandi mortaliter, vultque peccatum committere qualecumque sit. — Confirmatur. Qui paratus est jurare quodcumque, sive verum sit, sive falsum, si non attendens ad verum vel falsum juret, peccat mortaliter jurando, etiamsi verum juret. Ergo similiter.*

4 Moreover for some modification of this resolution, for tranquillity of consciences, we judge with Sylvius, that if anyone were so disposed in mind, that if there came into his mind what he does to be mortal, he would nowise will to commit it, he would be excused from mortal; because from that habitual disposition it is presumed that he does not apprehend as mortal what he does.

> *Caeterum ad aliqualem hujus resolutionis modificationem, pro conscientiarum tranquillitate, existimamus cum Sylvio, quod si quis ita esset animo dispositus, ut si veniret illi in mentem, id quod agit esse mortale, nequaquam illud vellet committere, excusaretur a mortali ; quia ex illa dispositione habituali praesumitur quod illud quod agit non apprehendat ut mortale.*

How the confessor should deal with a penitent whom he finds laboring under an erroneous conscience?

1 **I say** 1° : If there be question of conscience erring vincibly, it seems beyond doubt that the confessor is bound to admonish his penitent : 1° Because, as physician, he ought to guard against his formal sins, from which he is not excused by a conscience erring vincibly. 2° Because such a penitent is in an evil state and incapable of absolution. The same must be said of those who ask whether this be sin or not; because by the very fact that they ask, they seem to doubt, and not to have invincible ignorance, and moreover the confessor is not only judge of the penitent, but is doctor, whose office it is to instruct, especially those who beg to be instructed. And I esteem both parts of the conclusion true, even though no hope of amendment appear; because the same reasons urge, and besides no inconvenience follows from admonition; for equally does the penitent sin formally whether admonished or not, since his vincible ignorance will not excuse him from formal sin.

> ***Dico** 1° : Si agatur de conscientia errante vincibiliter, videtur extra dubium confessarium teneri monere suum poenitentem : 1° Quia, tamquam medicus, debet praecavere ejus peccata formalia, a quibus non excusatur per conscientiam vincibiliter errantem. 2° Quia talis ponitens est in malo statu et incapax absolutionis. Idem dicendum de iis qui interrogant, an hoc sit peccatum nec ne ; quia, hoc ipso quo interrogant, videntur dubitare, nec habere ignorantiam invincibilem, et aliunde confessarius non est tantum judex poenitentis, sed est doctor, cujus officium est instruere, praesertim eos qui petunt instrui. Et hanc utramque conclusionis partem veram existimo, etiamsi nulla appareat spes emendae ; quia eaedem rationes urgent, et insuper ex monitione nullum sequitur inconveniens; pariter enim peccat formaliter ponitens monitus vel non monitus, cum ejus ignorantia vincibilis eum non excuset a peccato formali.*

2 *You will ask* by what signs the confessor can know that the error was vincible in the penitent.

> Petes *quibus signis confessarius cognoscere possit errorem fuisse vincibilem in ponitente.*

3 *I answer.* Let him interrogate : 1° whether he adverted to any indecency in this act; 2° whether his own conscience dictated to him that he ought at least to consult a confessor, or another prudent man; 3° whether out of shame or fear he neglected the occasion of asking. If the penitent answer affirmatively to one or other of these, he can be held to be laboring under inculpable error; otherwise if he deny all. Gury, de Conscientia, n. 38.

> Resp. *Interroget : 1° an aliquam indecentiam in hoc actu adverterit; 2° an ipsi sua conscientia dictaverit, esse saltem interrogandum confessarium, vel alium virum prudentem; 3° an occasionem interrogandi ex verecundia aut metu neglexerit. Si poenitens affirmative respondeat ad unum vel alterum ex his, censeri potest inculpabili errore versari; secus, si ad omnia neget. Gury, de Conscientia, n. 38.*

4 **I say** 2° : If there be question of a conscience erring invincibly, a distinction is needed. Either there is hope of amendment, and no danger of graver inconvenience from admonition, or there is no hope of amendment, or there is danger of a graver inconvenience than the material sin of the penitent. If there be hope of amendment, and no danger of a graver inconvenience than the material sin of the penitent, the confessor is bound to admonish him; because, as doctor, he is bound, where no inconvenience is feared, to instruct his penitent, and to guard against sins in him, even material ones. But if there be no hope of amendment, or only a very slight one, or if there be, yet graver inconveniences are justly feared than the material sin of the penitent, as a rule the confessor neither is bound nor can admonish. The reason of the first part, because, hope of amendment set aside, the gravest inconvenience follows, namely that this penitent will sin formally, whereas before he sinned only materially, and that being admonished he is damned, who not admonished might have been saved. It is better therefore to leave him in good faith : whence Aug., hom. 41, among the 50,[1]

1 This homily was relegated to the appendix in the Benedictine edition.

> ***Dico*** *2° : Si agatur de conscientia errante invincibiliter, distinctione opus est. Vel est spes emendae, nec periculum gravioris inconvenientis ex monitione, vel non est spes emendae, aut est periculum gravioris inconvenientis quam sit peccatum materiale poenitentis. Si sit spes emendae, nec sit periculum gravioris inconvenientis quam sit peccatum materiale ponitentis, confessarius tenetur eum monere; quia, tamquam doctor, tenetur, ubi non timetur inconveniens, instruere suum ponitentem, et in eo praecavere peccata, etiam materialia. Si vero nulla sit aut admodum exigua spes emendae, aut si sit, jure tamen timentur graviora inconvenientia quam sit peccatum materiale poenitentis, regulariter confessarius nec tenetur, nec potest monere. Ratio primae partis, quia, seclusa spe emendae, gravissimum sequitur inconveniens, nempe quod iste poenitens peccabit formaliter, cum ante peccaret tantum materialiter, et quod monitus damnetur, qui non monitus potuisset salvari. Satius est ergo ipsum relinquere in bona fide : unde Aug., hom. 41, inter 50,*[1]
>
> [1] *Haec homilia in append. fuit relegata in edit. benedict.*

5 si quis, dist. 7 de Poenit. : « If I knew that I did not profit you, I would not admonish you, I would not terrify you. » The reason of the second part is, that of several evils the less is to be chosen.

> *si quis, dist. 7 de Poenit. : « Si scirem non tibi prodesse, non te admonerem, non te terrerem. » Ratio secundae partis est, quia e pluribus malis minus est eligendum.*

6 I said, « as a rule, » because certain cases are excepted.

Dixi, « regulariter, » quia quidam casus excipiuntur.

7 Excepted is 1° if the penitent be invincibly ignorant of what is necessary with necessity of means for salvation, as that God is triune, incarnate, that sorrow for sins is necessary together with the sacrament for obtaining remission of sins, and the like. For whether there be hope of amendment or not, the confessor ought on these points to admonish and instruct his penitent, partly because otherwise the penitent is not capable of absolution, partly because even if he do not admonish him, he will no more be saved on account of ignorance of these things. It is better therefore to place him in that state in which he can be saved, if he wish, and from which it is likely that hope of amendment will not be excluded throughout the whole course of life.

Excipitur 1° si poenitens ignoret invincibiliter qua sunt scitu necessaria necessitate medii ad salutem, ut Deum esse trinum, esse incarnatum, dolorem de peccatis esse necessarium cum sacramento ad obtinendam remissionem peccatorum, et similia. Sive enim sit spes emendae, sive non, confessarius de his monere debet et instruere suum poenitentem, tum quia alias poenitens non est capax absolutionis, tum quia, etiamsi non moneat, perinde non salvabitur ob ignorantiam istorum. Satius est ergo eum ponere in eo statu in quo possit salvari, si velit, et a quo est verisimile quod non excludatur spes emendae pro toto decursu vitae.

8 2° Excepted is the case where the invincible ignorance of the penitent verges toward scandal of many or damage to the common good ; as if a priest ministering the sacraments were invalidly ordained, if the nullity of some marriage were notorious, etc. The penitent must be admonished, whether there be hope of amendment or not, because the good of many, especially the common good, prevails over the good of any particular person.

2° Excipitur si ignorantia invincibilis ponitentis vergat in scandalum multorum aut damnum boni communis ; ut si sacerdos ministrans sacramenta sit invalide ordinatus, si nullitas alicujus matrimonii sit notoria, etc. Monendus est poenitens, sive sit spes emendae, sive non, quia bonum plurium, maxime bonum commune, praevalet bono alicujus particularis.

9 Certain authors add, and not badly, even if the ignorance of the penitent verge toward grave damage to some particular person ; because it seems to belong to charity and equity that I rather guard against the damage of an unwilling innocent[1] than the damage of him who is supposed to incur it by his own will and malice.

1 This homily was relegated to the appendix in the Benedictine edition; note on the citation of Aug., hom. 41, among the 50 (p. 93).

Quidam addunt, nec male, etiamsi ignorantia poenitentis vergat in damnum grave alicujus particularis ; quia videtur esse charitatis et aequitatis ut magis praecaveam damnum innocentis[1] inviti, quam damnum illius qui supponitur propria voluntate et malitia illud incurrere.

[1] Haec homilia in append. fuit relegata in edit. benedict.; nota ad citationem Aug., hom. 41, inter 50 (p. 93).

10 Here a distinction must be made : namely whether grave damage, to be borne by a particular person from such an error, casts into peril the salvation of his soul or only temporal goods. If the former, the one erring invincibly seems bound to be admonished, because, if perchance he acquiesce not in the admonition, at least the peril of salvation will be removed from the other, and the lost good will be compensated by a good of the same nature and weight. If the errant one, unwilling to obey, perish, he will perish by his own fault, and it cannot be said that his soul should be preferred to another's soul. In the latter case, since the good of a superior order is to be preferred to the good of

an inferior order, we hold that the errant one, probably not going to obey the admonition, is to be left in good faith. If it be objected that the consent of him who would suffer damage of this kind ought not be presumed, we answer that he is not reasonably unwilling, because the order of charity requires that provision be made for the eternal salvation of the neighbor at temporal loss, even grave. Moreover, the confessor, concerning whom here chiefly there is question, is bound ex officio to provide for the spiritual good of the penitent, not indeed for the temporal good of another, and since he cannot avert these two evils simultaneously, he ought choose the less, or rather permit it.

> *Hic distinguendum est : an scilicet damnum grave ex tali errore a persona particulari tolerandum, salutem animae ejus vel tantum bona temporalia in discrimen conjiciat. Si prius, videtur monendum esse errantem invincibiliter, quia, si forte monitioni non acquiescat, periculum salutis ab altero saltem amovebitur, et bonum amissum bono ejusdem naturae et ponderis compensabitur. Si errans, nolens obedire, pereat, propria culpa peribit, et dici non potest ejus animam alteri animae praeferendam esse. In posteriori casu, cum bonum superioris ordinis bono ordinis inferioris sit anteponendum, censemus errantem probabiliter monitioni non obtemperaturum in bona fide relinquendum esse. Si objiciatur quod consensus ejus qui damnum hujusmodi patietur praesumi non debeat, respondemus eum non esse rationabiliter invitum, quia ordo charitatis exigit ut cum temporali detrimento, etiam gravi, saluti aeternae proximi provideatur. Insuper, confessarius, de quo hic praecipue agitur, tenetur ex officio prospicere bono spirituali poenitentis, non vero bono temporali alterius, et cum haec duo mala simul avertere non possit, minus eligere, seu potius permittere, debet.*

11 3° Excepted by certain more recent authors, and well, is the case where the ignorance concerns the natural law, as regards secondary principles, v. g., pollution, venereal delectation, etc. Because although invincible ignorance of these things can exist for a time (which nevertheless many deny), this ignorance cannot long endure, and easily and shortly becomes vincible, on account of the suspicion of malice which an act evil and dishonest of itself carries with it. Whence if the penitent be not admonished, when the occasion arises he will reckon this suspicion as ill-founded because of the silence of confessors, and will easily contemn it, and thus he will persevere in sin already formally, from a conscience erring vincibly ; but if he be admonished, there is hope that he will sin with greater remorse, will open his wicked habit to confessors, receive salutary remedies from them, and finally come to himself.

> *3° Excipitur a quibusdam recentioribus, et bene, si ignorantia sit juris naturalis, quoad secundaria principia, v. g., pollutionis, delectationis venereae, etc. Quia, etsi possit dari ad tempus ignorantia invincibilis illorum (quod tamen multi negant), haec ignorantia non potest diu durare, ac facile et brevi fiet vincibilis, propter suspicionem malitiae quam de se ingerit actio de se mala et inhonesta. Unde, si non moneatur poenitens, suspicionem hanc, quando continget, quasi male fundatam ex silentio confessorum reputabit et facile contemnet, sicque in peccato jam formaliter, ex conscientia errante vincibiliter perseverabit ; si autem moneatur, spes est quod majori cum remorsu peccabit, pravam consuetudinem confessariis aperiet, ab eis salutaria remedia recipiet, et tandem resipiscet.*

12 *You will say* against the second part of the second conclusion : A penitent in whom there is no hope of amendment, if admonished, ought not be held sufficiently disposed for absolution. Therefore.

> Dices *contra secundam partem secundae conclusionis : Poenitens in quo non est spes emendae, si moneatur, non debet censeri sufficienter dispositus ad absolutionem. Ergo.*

13 *I answer.* I deny the antecedent. For that one be held sufficiently disposed, it suffices that he detest sin above every evil in its kind, nor is it necessary that he descend to singulars; otherwise, human frailty attended to, few would be true penitents : « Contrite, says St. Thomas, Quodlibet 1, a. 9, he is bound in general to will to suffer whatsoever punishment rather than sin...; but to descend in

particular to this punishment or that he is not bound. Nay more, anyone would act foolishly who should solicit himself or another concerning punishments of this particular kind... And therefore to descend in such matters to singulars is to lead man into temptation and furnish occasion of sinning. » He teaches the same in Suppl., q. 3, a. 1.

> Resp. *Nego ant. Ut enim censeatur sufficienter dispositus, sufficit quod detestetur peccatum super omne malum in genere, nec est necesse quod ad singularia descendat; alioquin, attenta fragilitate humana, pauci forent veri poenitentes : « Contritus, inquit S. Thomas, Quodlibeto 1, a. 9, tenetur in generali velle magis pati quamcumque poenam, quam peccare...; sed in speciali descendere ad hanc poenam vel ad illam non tenetur. Quin imo stulte faceret, si quis se ipsum vel alium sollicitaret super hujusmodi particularibus poenis... Et ideo descendere in talibus ad singula, est inducere hominem in tentationem et praebere occasionem peccandi. » Idem docet in Suppl., q. 3, a. 1.*

14 From what has been said you will gather : 1° that if the confessor discover that the marriage of the penitent is null, which however the penitent himself believes invincibly valid, if he prudently judge that the penitent once admonished would not depart from the putative wife, or that if he depart, grave inconveniences and scandals would follow, namely hatreds and long-lasting quarrels, incontinence, defamation or desertion of an honest family or of children, and the like, he ought be silent and leave the penitent in good faith. But if there be question of contracting marriage, attention must be given to the irreverence toward the sacrament, and to the evils naturally apt to follow from an invalid marriage if the penitent be not admonished; and these must be weighed against the inconveniences foreseen to follow if he be admonished, and what seems less must be chosen, admonishing or keeping silence. As a rule, while future act is concerned, the thing still remaining intact, lesser evils follow if he be admonished than if he be not; whence as a rule in this case the penitent must be admonished. From these cases resolve others similar.

> *Ex dictis colliges : 1° quod, si confessarius deprehendat poenitentis matrimonium esse nullum, quod tamen ipse poenitens credit invincibiliter esse validum, si prudenter existimet poenitentem monitum non discessurum ab uxore putativa, vel si discedat, secutura gravia inconvenientia et scandala, puta odia et rixas diuturnas, incontinentiam, honestae familiae aut prolium diffamationem seu derelictionem, et similia, debet tacere et relinquere poenitentem in bona fide. Quod si agatur de matrimonio contrahendo, attendendum est ad irreverentiam sacramenti, et ad mala quae nata sunt sequi ex matrimonio invalido, si poenitens non moneatur; et haec conferenda sunt cum inconvenientibus quae praevidentur secutura, si moneatur, et quod minus videbitur est eligendum, monendo vel tacendo. Regulariter, dum agitur de actu futuro, re adhuc integra manente, minora mala sequuntur, si moneatur, quam si non moneatur; unde regulariter in hoc casu est monendus poenitens. Ex his casibus, alios similes resolve.*

15 You will gather 2° that the confessor is bound to admonish a penitent whom he sees laboring under an erroneous conscience against himself, namely judging to be sin what is not, or mortal what is only venial. V. g., a layman thinks himself bound under mortal sin to be present at Vespers on Sundays and feasts, or that he cannot drink for refreshment on a fast day ; a religious or nun believes herself bound under mortal sin by regular silence or fasting; a wife reckons many mortalities in the use of matrimony which are only venial : in these, I say, and like cases, the confessor ought to admonish the penitent; because, as was said, as doctor he ought to instruct him, and as physician to guard against his formal sins, especially since there follows no inconvenience outweighing the inconvenience which follows if he be not admonished. For that thence the penitent perhaps sin venially more easily and frequently is far less inconvenient than if he sin mortally once only from an erroneous conscience.

Colliges 2° confessarium teneri monere poenitentem quem videt laborare conscientia erronea contra se, scilicet arbitrantem esse peccatum quod non est, vel esse mortale quod est tantum veniale. V. g., plebeius putat se teneri sub mortali adesse vesperis diebus dominicis et festis, aut se non posse bibere ad refrigerationem in die jejunii ; religiosus aut monialis credit se sub mortali astrungi silentio aut jejunio regulari; uxor reputat plura mortalitia in usu matrimonii, quae sunt tantum venialia : in his, inquam, et similibus, confessarius debet monere poenitentem; quia, ut dictum est, tamquam doctor debet illum instruere, et tamquam medicus praecavere ejus peccata formalia, maxime cum non sequatur inconveniens quod praeponderet inconvenienti quod sequitur, si non moneatur. Quod enim inde poenitens forte facilius et frequentius peccet venialiter, est longe minus inconveniens, quam si semel tantum peccet mortaliter ex conscientia erronea.

On the scrupulous conscience, through various little questions

1 It is asked 1° what scruple is. What a scrupulous conscience is.

Quaeritur 1° quid sit scrupulus. Quid conscientia scrupulosa.

2 *I answer.* Scruple is said metaphorically from a scruple, which is a rough pebble getting into the shoe of one walking, hurting him not so much as molesting him, and delaying his step. Whence a scruple is nothing else than a light and empty little reason occurring concerning the malice of an action, whose solution is not found; and thereupon the mind either opines, or suspects, or doubts, or fears with anxiety, lest the action be evil. It can be about the past, as when someone from a futile reason fears that he omitted some sin or circumstance in confession, that he consented to temptation, etc.; or about the present or future, as when someone from a like motive fears that what he does, or is about to do, be sin.

Resp. *Scrupulus dicitur metaphorice a scrupulo, qui est lapillus asper subintrans calceum incedentis, et ipsum non tam laedens quam molestans, gressumque remorans. Unde scrupulus nihil est aliud quam levis et inanis quaedam ratiuncula occurrens de malitia actionis, cujus solutio non invenitur, et inde animus vel opinatur, vel suspicatur, vel dubitat, vel timet cum anxietate, ne mala sit actio. Potest esse vel de praeterito, ut si quis ex futili ratione timeat ne aliquod peccatum aut circumstantiam omiserit in confessione, ne tentationi consenserit, etc.; vel de praesenti aut futuro, ut si quis ex simili motivo timeat ne id quod facit, aut facturus est, sit peccatum.*

3 A scrupulous conscience can be distinguished two ways, as I already said in art. 1: One formed from scruples, and it is a dictamen of practical reason by which one judges, for light and empty reasons, that what he does is illicit, or doubts about it. This conscience is called scrupulous improperly, and it is either erroneous or doubtful, and of it we do not treat here: insofar as it pertains to error, it was treated in the preceding articles; insofar as it pertains to doubt, it will be treated in the following article. The other is agitated and tortured by scruples, namely while one judges what he does to be licit, yet for slight causes fears and is anxious lest it be illicit. Whence, as is plain, insofar as it is scrupulous, it is not properly conscience, but the shadow and likeness of conscience. Therefore by the name of scrupulous conscience is commonly understood either that scruple which is as it were the dictamen of a scrupulous intellect, or the very anxiety caused by scruples, or the disposition of a soul inclined to scruples. Of scrupulous conscience thus taken the following things are to be understood.

Duplex distingui potest conscientia scrupulosa, ut jam dixi art. 1 : Una ex scrupulis formata, et est dictamen rationis practicae, quo quis propter leves et inanes rationes judicat id quod agit esse illicitum, vel de eo dubitat. Haec conscientia improprie dicitur scrupulosa, sed est vel erronea vel dubia, et de ea hic non agimus : quatenus enim pertinet ad errorem, dictum est in praecedentibus articulis; quatenus pertinet ad dubium, dicetur articulo sequenti. Altera est scrupulis

agitata et cruciata, dum scilicet quis judicat id quod agit esse licitum, levibus tamen de causis timet et anxiatur ne sit illicitum. Unde, ut patet, quatenus scrupulosa, non est proprie conscientia, sed umbra et similitudo conscientiae. Nomine igitur conscientiae scrupulosa intelligitur communiter, vel ille scrupulus qui est quasi dictamen intellectus scrupulosi, vel ipsa anxietas causata ex scrupulis, vel dispositio animae propensae ad scrupulos. De conscientia scrupulosa sic sumpta intelligenda sunt sequentia.

4 It is asked 2° by what signs a scrupulous conscience can be recognized.

Quaeritur 2° quibus indiciis possit cognosci conscientia scrupulosa.

5 *I answer.* Chiefly by these: 1° If he reputes as sins those things which everywhere among the wise and God-fearing are held as nothing, or often doubts about them and questions others. 2° If he either has no faith in the prudent and learned man, e.g., a prelate or confessor, asserting the action to be licit, or complies with anxious fear, again and again consulting the same man or others, trusting no one and always seeking the greatest security. 3° If in confession he sets forth his sins so exactly that he omits no circumstance, though light or most light, nay sometimes impertinent, often repeating and dwelling upon the same things, and does not acquiesce when the confessor admonishes that it suffices; or never rests concerning confessions made with due diligence, often repeating them in whole or in part. 4° If he recites the prescribed prayers, whether of the breviary, of penance, of a vow, or in the celebration of Mass, with fastidious slowness, frequently repeating them and halting to recall intention and attention. Besides these, the scrupulous man himself can and ought to acknowledge that he is scrupulous, and so to comport himself, chiefly from the testimony of his confessor or of another upright and learned man, to whom his conscience has been laid open, who judges him to be scrupulous.

Resp. *His potissimum : 1° Si reputet peccata quae passim a sapientibus et timoratis pro nihilo habentur, aut circa ea saepe dubitet et alios interroget. 2° Si vero prudenti et docto, v. g., praelato aut confessario actionem esse licitam asserenti, aut fidem non habeat, aut cum anxio timore morem gerat, iterum atque iterum eundem aut alios consultans, nemini fidens et maximam semper quaerens securitatem. 3° Si in confessione ita adamussim peccata explicet, ut nullam circumstantiam, etsi levem aut levissimam, imo quandoque impertinentem omittat, idem saepe repetens et inculcans, nec confessario monenti sufficere acquiescens, aut circa confessiones morali diligentia factas nunquam quiescat, easdem saepe ex toto vel ex parte repetens. 4° Si preces praescriptas, sive breviarii, sive poenitentiae, sive voti, sive in celebratione missae, fastidiosa tarditate recitet, eas frequenter repetens et subsistens ut intentionem et attentionem revocet. Praeter haec, potest et debet ipse scrupulosus se scrupulosum agnoscere, et talem se gerere potissimum ex testimonio sui confessarii aut alterius viri probi et docti, cui perspecta est ejus conscientia, judicantis ipsum esse scrupulosum.*

6 It is asked 3° whether it is licit to act against a scrupulous conscience.

Quaeritur 3° utrum liceat agere contra conscientiam scrupulosam.

7 *I answer.* Not only is it licit, but expedient, nay obligatory, to act against a scrupulous conscience, such as we said is vexed by scruples.

Resp. *Non solum licet, sed et expedit, imo obligatorium est agere contra conscientiam scrupulosam, quam diximus scrupulis vexatam.*

8 The reason of the first part is, because a conscience of this kind is not, as I said, true conscience, but the shadow of conscience; nor a judgment, but a certain anxiety and ill-founded fear, or a strong imagination by which man is miserably vexed.

Ratio prima partis est, quia conscientia hujusmodi scrupulosa non est, ut dixi, vera conscientia, sed umbra conscientiae; nec judicium, sed quaedam anxietas et timor male fundatus, seu imaginatio fortis qua homo misere vexatur.

9 The reason of the second and third parts is, because scrupulous conscience is a certain sickness of mind disturbing peace, taking away devotion, engendering sloth, and a great hindrance in the progress of the spiritual life, nay a disposition to the most grievous sins of despair, blasphemy and infidelity. Care must nevertheless be taken lest the scrupulous man, overcome by his scruples, truly judge in practice that he acts ill, or doubt of it in practice; for then it would be a doubtful or erroneous conscience, against which it is not licit to act. But it is not easily to be believed of a scrupulous man who asserts that he acted with doubt; for ordinarily he takes doubt for anxiety or fearfulness, or for speculative doubt, which is not conscience.

Ratio secunda et tertiae partis est, quia conscientia scrupulosa est quaedam animi aegritudo pacem turbans, devotionem tollens, acediam gignens, et maxima remora in progressu vitae spiritualis, imo dispositio ad gravissima peccata desperationis, blasphemiae et infidelitatis. Cavendum tamen ne scrupulosus, vi scrupulorum victus, revera practice judicet se male agere, aut de eo practice dubitet; tune enim foret conscientia dubia aut erronea, contra quam non licet agere. Sed non est facile credendum scrupuloso asserenti se egisse cum dubio; ordinarie enim sumit dubium pro anxietate aut formidine, seu pro dubio speculativo, quod non est conscientia.

10 It is asked 4° what are the chief causes of scruples.

Quaeritur 4° quae sint praecipuae causae scrupulorum.

11 *I answer.* That some are intrinsic, some extrinsic. The intrinsic are: First, a natural complexion suspicious and timid, such as is usually the melancholic. Second, weakness and inconstancy of mind, not holding firmly to things once determined, or to practical principles sufficiently known: under this head women are more frequently scrupulous than men. Third, an ignorance whereby one cannot discern between licit and illicit, between temptation and consent; or such subtlety of genius as suffices to devise reasons for doubting, and does not suffice to solve them. Fourth, hidden pride, whereby one, trusting too much to his own judgment, will acquiesce in no counsel. Fifth, excessive austerities, by which, with the head weakened, the mind is easily disturbed.

Resp. *quasdam esse intrinsecas, quasdam extrinsecas. Intrinseca sunt : Prima, complexio naturalis suspicans et meticulosa, qualis est plerumque melancholica. Secunda, imbecillitas et inconstantia animi non inhaerentis firmiter rebus semel determinatis, aut principiis practicis sufficienter notis : ex quo capite mulieres sunt frequentius scrupulosae quam viri. Tertia, ignorantia qua quis non potest inter licitum et illicitum, tentationem et consensum discernere ; vel talis ingenii subtilitas, quae sit sufficiens ad excogitandas rationes dubitandi, et insufficiens ad eas solvendas. Quarta, occulta superbia, qua quis nimium suo judicio fidens, nullius consilio vult acquiescere. Quinta, nimiae austeritates quibus, debilitato capite, facile turbatur animus.*

12 The chief extrinsic causes are: First, the society of scrupulous men, the direction of a scrupulous confessor, or the reading of cases of conscience in one who is less able to discern. Second, the devil, who by this art tempts, to turn men away from the exercise of the virtues. Third, God himself permitting it so, whether in punishment of past sins, or for the exercise of humility and patience, or to shake off tepidity in his service, or on account of other ends known to himself.

Causa extrinsecae praecipuae sunt : Prima, societas scrupulosorum, directio confessarii scrupulosi, aut lectio casuum conscientiae in eo qui est minus intelligens ad discernendum. Secunda, daemon, qui hac arte tentat avertere homines ab

exercitio virtutum. Tertia, ipse Deus ita permittens, vel in poenam peccatorum praeteritorum, vel ad exercitium humilitatis et patientiae, vel ad teporem in suo servitio excutiendum, vel ob alios fines sibi notos.

13 It is asked 5° by what remedies the scrupulous are to be cured.

Quaeritur 5° quibus remediis curandi sint scrupulosi.

14 *I answer.* 1° Generally speaking, the causes of scruples are to be removed by their contraries; for contraries are cured by contraries. Hence let the melancholic be healed by the help of a physician; let the timorous by frequent meditation contemplate the goodness of God, and apprehend him, not as a hard master or merciless exactor, but as a good Father; let the proud not lean upon their own prudence; and so of the rest. 2° Let him have recourse by frequent and humble prayer to God, the consoler of the afflicted; let him offer to him the troubles of his mind with patience and submissive resignation in satisfaction for his sins, meanwhile conceiving a filial confidence of obtaining help at last, and of tranquillity returning after the storm. 3° Let him take the life and common sense of God-fearing men for his rule, holding it for certain that God does not suffer these to err commonly. 4° Let him beware of idleness and vagrant thoughts, especially about the acts of past life, which open a door to scruples; but let him apply himself diligently to labor, and to that labor above all which best helps and delights the mind, provided it contain nothing evil. 5° But the remedy supremely necessary, and perhaps the only one, for curing the scrupulous, in the common judgment, is blind and absolute obedience to the sayings, counsels and precepts of a prudent and wise man, to whom his conscience has been laid open, namely his confessor or director.

Resp. *1°. Generaliter loquendo, causae scrupulorum amovendae sunt per suum contrarium; contraria enim contrariis curantur. Hinc melancholicus ope medici sanetur; meticulosus frequenti meditatione contempletur bonitatem Dei, eumque apprehendat, non ut magistrum durum, aut exactorem immitem, sed ut bonum Patrem; superbus suae prudentiae non innitatur, et sic de caeteris. 2° Frequenti et humili oratione ad Deum, afflictorum consolatorem, recurrat; animi sui molestias cum patientia et submissa resignatione ei offerat in satisfactionem peccatorum, filialem interim fiduciam concipiens auxilii aliquando obtinendi et rediturae post tempestatem tranquillitatis. 3° Vitam et sensum communem timoratorum pro regula habeat, pro certo tenens Deum non permittere hos communiter errare. 4° Caveat otium et vagas cogitationes, praesertim de actis vitae praeteritae, quae scrupulis januam aperiunt; sed labori sedulo incumbat, eique maxime qui plus animum juvat et delectat, modo nihil habeat mali. 5° At remedium communi judicio apprime necessarium, et forte unicum, sanando scrupuloso, est caeca et absoluta obedientia dictis, consiliis, praeceptis viri prudentis et sapientis, cui perspecta est ejus conscientia, puta confessarii aut directoris.*

15 It is asked 6° how the confessor ought to act with a scrupulous person.

Quaeritur 6° quomodo confessarius agere debeat cum scrupuloso.

16 *I answer.* 1° Where the confessor perceives his penitent to be scrupulous (and this he will be able to know from the signs assigned), let him admonish him that he is scrupulous and to be cured according to the rules for the scrupulous, lest perchance, despising scruples, he despise conscience itself.

Resp. *1° Ubi confessarius deprehenderit suum poenitentem esse scrupulosum (id autem cognoscere poterit ex indiciis assignatis), moneat ipsum quod sit scrupulosus et secundum regulas scrupulosorum curandus, ne forte, contemnendo scrupulos, ipsam conscientiam contemnat.*

17 2° Let him impress upon him the necessity of blind and absolute obedience to all the sayings and precepts of his confessor, his own judgment despised and scruples neglected; and if he be not disposed in mind to render this obedience, or to endeavor after it, he is to be dismissed as incurable, since, as I said, he can scarcely be healed by any other remedy. But that he may persuade him to this obedience entire and blind, let him set before him: 1° that the scrupulous man, having a disturbed judgment and an impaired imagination, cannot be governed by his own judgment; wherefore it was said to him before all others, *Prov.*, I, 5: Lean not upon thy own prudence, since thou art wise in thy own conceit.

> *2° Inculcet ipsi necessitatem obedientiae caecae et absolutae omnibus dictis et praeceptis sui confessarii, contempto proprio judicio et neglectis scrupulis; quam obedientiam si non sit animo dispositus praestare, aut ad eam conari, dimittendus est tamquam insanabilis, cum, ut dixi, vix alio remedio possit sanari. Ut autem hanc omnimodam et caecam obedientiam suadeat, ipsi proponat : 1° quod scrupulosus, cum habeat judicium turbatum et imaginationem laesam, non possit proprio judicio regi, illique prae caeteris ideo dictum sit,* Prov., *I, 5 :* Ne innitaris prudentiae tuae, *cum sis sapiens apud temetipsum.*

18 2° That it belongs to a proud mind, and is against the rules of prudence and humility, to prefer one's own judgment, especially when so disturbed, to the judgment of the director. 3° That although the director err, the scrupulous man himself will not sin by obeying, according to the unanimous doctrine of the Saints and of spiritual masters; because he will do what is safer and what God requires of him.

> *2° Quod sit superbi animi, atque contra regulas prudentiae et humilitatis, praeferre suum judicium, praesertim sic turbatum, judicio directoris. 3° Quod, etsi erret director, ipse scrupulosus non peccabit obediendo, juxta unanimem SS. et magistrorum spiritualium doctrinam; quia faciet quod tutius est et quod Deus ab eo exigit.*

19 3° Let him teach him that positive laws, whether divine or human, do not bind under grave loss and great difficulty, which is called moral impotence; but great anxiety and molestation is great difficulty. Hence let him forbid the scrupulous man who is continually anguished in the recitation of the hours, and always fears that he omitted something or was willingly distracted, to repeat; nay, if he were so scrupulous that there would scarcely be an end of repeating, and that hence he would suffer grave and continual molestations, the recitation of the breviary would be altogether to be interdicted to him, as morally impossible.

> *3° Ipsum doceat leges positivas, sive divinas, sive humanas, non obligare cum gravi dispendio et magna difficultate quae dicitur impotentia moralis; magna autem anxietas et molestia est magna difficultas. Hinc scrupulosum qui continuo angitur in recitatione horarum, semperque timet ne aliquid omiserit, aut voluntarie fuerit distractus, prohibeat repetere; imo, si esset ita scrupulosus, ut vix foret finis repetendi, indeque graves et continuas molestias pateretur, omnino foret ipsi interdicenda breviarii recitatio, tamquam moraliter impossibilis.*

20 4° Let him command him to repute nothing, whether act done or to be done, a mortal sin, unless it stand certain to him to be mortal, and so certainly that he could swear it to be mortal; because in doubt, as the rule of law has it, « concerning matters commonly contingent there is a prudent presumption. » Since therefore the scrupulous man is wont to doubt or imagine that sins exist, or are mortal, which are not, by law they are presumed in doubt not to be such. Moreover, since he doubts even of the most evident things, and suspects evil where there is not even a shadow of evil, the burden would be intolerable if he had to hold in practice for sin whatever falls under his doubt.

4° Jubeat ipsum nihil sive actum sive agendum reputare mortale, nisi quod ipsi certo constet esse mortale, et ita certo, ut possit jurare esse mortale; quia in dubio, ut fert regula juris, « ex communiter contingentibus est prudens praesumptio. » Cum ergo scrupulosus soleat dubitare aut imaginari esse peccata, aut esse mortalia quae non sunt, jure praesumitur in dubio non esse talia. Aliunde, cum de evidentissimis dubitet, et ibi suspicetur malum ubi nec est umbra mali, foret onus intolerabile, si deberet habere practice pro peccato quod ipsi sub dubium cadit.

21 5° When the scrupulous man is anxious about past confessions, whether he was sufficiently contrite, whether he confessed all sins and all circumstances, never permit him to repeat them unless these two concur together: first, that he be certain they were mortal; second, that he be equally certain they were not duly confessed. Likewise do not permit him to confess doubtful present sins, but only certain ones, and simply, with the circumstances absolutely necessary; and admonish him not to institute an anxious and utterly exact examination, but only a moderate one: and when he has only doubtful sins, command him to celebrate without being heard, or to approach the holy synaxis. The reason of these things is, because the positive law of the material integrity of confession does not bind under grave loss, as we said above of positive laws in general. Grave, however, would be the loss and damage of the scrupulous man if he should have to confess all doubts, whether present or past; there would be no end of scruples, but rather they would be multiplied and entangled, and thus the anxiety would be perpetual and the torment intolerable; whence, if he omit certain sins, it is not imputed to him.

5° Quando scrupulosus anxius est circa confessiones praeteritas, an sufficienter fuerit contritus, an omnia peccata et omnes circumstantias confessus fuerit, nusquam permittat illi eas repetere, nisi haec duo simul concurrant : primum, quod certus sit esse mortalia; secundum, quod pariter certus sit non fuisse debite confessa. Similiter non permittat peccata presentia dubia confiteri, sed tantum certa, et simpliciter, cum circumstantiis absolute necessariis, ipsumque moneat ne instituat examen anxium et omnino exactum, sed mediocre tantum : et quando non habet nisi peccata dubia, jubeat inauditum celebrare, seu ad sacram synaxim accedere. Ratio horum est, quia lex positiva de integritate materiali confessionis non obligat cum gravi dispendio, ut dicebamus supra de legibus positivis in communi. Grave autem foret dispendium et damnum scrupulosi, si omnia dubia, sive praesentia, sive praeterita, deberet confiteri; nullus foret scrupulorum finis, sed inde magis multiplicarentur et implicarentur, sicque foret anxietas perpetua et cruciatus intolerabilis; unde, si quaedam peccata omittat, id ipsi non imputatur.

22 Finally, for a crown to all, let the confessor remember not to waver in his decisions, as if doubting or merely opining, but let him define and command with certainty; otherwise the anxiety will not be quieted, but rather increased. Moreover, with the timid let him proceed in gentleness of spirit, with the proud somewhat roughly; yet let him not drive them to despair, but mix oil with wine.

Tandem, pro coronide, meminerit confessarius in suis resolutionibus non vacillare, quasi dubitans aut opinans tantum, sed certo definiat et praecipiat; alioquin non sedabitur anxietas, sed magis augebitur. Insuper cum meticulosis in spiritu lenitatis procedat, cum superbis duriuscule; non tamen in desperationem adigat, sed oleum cum vino misceat.

23 *It is asked* 7° how one ought to answer the objections of scrupulous men.

Quaeritur *7° quomodo sit respondendum objectionibus scrupulosorum.*

24 For that they may withdraw themselves from the counsels and precepts of confessors, the scrupulous say: 1° that the confessor did not understand everything sufficiently well; 2° that they know themselves better than anyone else; 3° if I were in danger of death, I would not wish to act

thus, and to die in that state; 4° that in doubts the safer side is to be chosen, and certainty preferred to uncertainty.

> *Ut enim consiliis et praeceptis confessariorum se subducant scrupulosi, dicunt : 1° quod confessarius non satis omnia intellexerit; 2° quod ipsi se melius agnoscant, quam quivis alius; 3° si essem in periculo mortis, nollem sic agere et in eo statu mori; 4° in dubiis partem tutiorem esse eligendam, et certum incerto praeponendum.*

25 *To the first* must be answered, that a prudent man does not act blindly and without deliberation, and that if the confessor had not understood sufficiently, he would not prescribe this or that. Besides, given that the confessor errs, God will never impute the error to the scrupulous man who humbly obeys the mandates of his confessor.

> Ad primum *respondendum, quod vir prudens non agat caece et inconsulto, et quod si non intellexisset sufficienter confessarius, hoc vel illud non praeciperet. Insuper, dato quod erret confessarius, nunquam scrupuloso confessarii mandatis humiliter obsequenti Deus imputabit errorem.*

26 *To the second* answer, that the conscience of scrupulous men, insofar as they are scrupulous, is weak and erroneous, and therefore no stand is to be taken upon its judgment, according to that of *Prov.*, I, 5: Lean not upon thy own prudence.

> Ad secundum *responde, scrupulosorum conscientiam, qua parte sunt scrupulosi, debilem esse et erroneam, adeoque ipsius judicio non standum, juxta illud* Prov., *I, 5 :* Ne innitaris prudentiae tuae.

27 *To the third* answer, that scrupulous men would do many things in the article of death which are not necessary, but useless, or certainly that they would acquiesce in the counsel of a prudent man.

> Ad tertium *responde, quod scrupulosi multa facerent in articulo mortis, qua non sunt necessaria, sed inutilia, vel certe quod acquiescerent consilio vi prudentis.*

28 *To the fourth* answer, that doubt ought not to remain for scrupulous men where the authority and mandate of the confessor accede to one side, and that they ought to hold as certain and safe what he persuades or commands them.

> Ad quartum *responde, non debere scrupulosis remanere dubium, ubi accedit authoritas et mandatum confessarii in unam partem, idque eos habere debere certum et tutum quod ipsis suadet aut praecipit.*

Whether it is lawful to act with a doubtful, probable, or more probable conscience?

1 *Note* 1°. Doubt is distinguished threefold: speculative, speculative-practical and practically-practical. Merely speculative is that which turns upon the nature, substance, value, quality and condition of things, whether speculative or moral: as if you doubt whether the angelic nature is universal, whether baptism conferred in rose water is valid. Speculative-practical is that which turns upon the goodness or malice, licitness or illicitness of an act in itself and in common, which goodness or malice is called objective and material: as if you doubt whether it is licit to baptize in rose water, to journey on a feast day, etc. Practically-practical is that which turns upon the goodness or malice, licitness or illicitness of an act to be done here and now, with all the circumstances attended to, which is called formal goodness or malice: as if you doubt whether it is licit for you here and now to baptize in rose water a dying infant.

> Nota *1°. Triplex distinguitur dubium : speculativum, speculativo-practicum et practice-practicum. Mere speculativum est illud quod versatur circa naturam, substantiam, valorem, qualitatem et conditionem rerum sive speculabilium sive*

moralium : ut si dubites, an natura angelica sit universalis, an baptisma collatum in aqua rosacea sit validum. Speculativo-practicum est illud quod versatur circa bonitatem vel malitiam, licitatem vel illicitatem actus secundum se et in communi, quae bonitas aut malitia dicitur objectiva et materialis : ut si dubites, an sit licitum baptizare in aqua rosacea, iter agere die festo, etc. Practice-practicum est illud quod versatur circa bonitatem vel malitiam, licitatem vel illicitatem actus hic et nunc ponendi, attentis omnibus circumstantiis, quae dicitur bonitas vel malitia formalis : ut si dubites, an tibi sit licitum hic et nunc baptizare in aqua rosacea infantem morientem.

2 What I said of doubt must be said of judgment, namely that it is threefold: merely speculative, concerning the nature or quality of things; speculative-practical, concerning the objective goodness or malice of actions; and practically-practical, concerning the formal goodness or malice of actions.

Quod dixi de dubio, dicendum est de judicio, scilicet esse triplex : mere speculativum, de natura aut qualitate rerum ; speculativo-practicum, de bonitate vel malitia objectiva actionum; et practice-practicum, de bonitate vel malitia formali actionum.

3 That the doubt or judgment which we call speculative-practical may be such, it must regard action in itself indeed, but as to be exercised, or in order to practice, and to influence it, inasmuch as from it the doubt or judgment practically-practical is formed: otherwise it will be purely speculative. But in the doubt or judgment alone practically-practical is situated the doubtful or probable conscience.

Ut dubium seu judicium quod dicimus speculativo-practicum, sit tale, debet respicere actionem secundum se quidem, sed tamen ut exercendam, seu in ordine ad praxim, et in eam influere, quatenus ex illo formetur dubium seu judicium practice-practicum : alioquin erit pure speculativum. In solo autem dubio seu judicio practice-practico sita est conscientia dubia vel probabilis.

4 *Note* 2° doubt is again distinguished into negative and positive. Negative is, when there are no reasons or only very light ones for or against; and, as I already noted, it is improperly called doubt, and better named nescience or ignorance. Whence they err who recognize this doubt alone as doubt properly so called. Positive doubt is, when because of contrary reasons, on either side equally or nearly equally probable, the mind fluctuates suspended between both parts, assenting to neither.

Nota 2° *dubium iterum distingui in negativum et positivum. Negativum est, cum nullae sunt aut admodum leves rationes pro aut contra, et ut jam notavi, est improprie dubium, et melius dicitur nescientia aut ignorantia. Unde errant qui hoc solum dubium ut proprie dubium agnoscunt. Dubium positivum est, quando propter rationes contrarias, utrimque aeque vel fere aeque probabiles, fluctuat inter utramque partem suspensus animus, neutri assentiens.*

5 *Note* 3°. Certitude, which is opposed to doubt, can be distinguished threefold: metaphysical, physical and moral. Metaphysical certitude is the adherence of the mind to truth which cannot be otherwise even by God, as: The whole is greater than its part; anything either is or is not. Physical certitude is the assent to truth which cannot be otherwise according to ordinary laws, although it could be otherwise through miracle, as a faggot thrown into fire to burn. Moral certitude is the assent to some truth founded and reasonable without fear of the opposite, although the opposite could absolutely and without miracle be, such as is that which is had in law through two witnesses worthy of faith, or that which is had about the baptism of anyone from the baptismal register; because, although it could happen that two witnesses held worthy of faith depose falsely, and that the pastor wrote falsely, yet that rarely happens, and it is a remote danger, which ought not prudently to be feared: otherwise there would be no end of doubts. These observations run through various parts of Theology; whence, set down once for all, they are to be firmly retained in memory.

Nota 3°. *Certitudo quae opponitur dubio, triplex distingui potest : metaphysica, physica et moralis. Certitudo metaphysica est adhaesio mentis veritati quae etiam per Deum aliter esse non potest, ut : Totum est majus sua parte; quodlibet est vel non est. Certitudo physica est assensus veritati quae secundum leges ordinarias aliter esse non potest, licet possit esse aliter per miraculum, ut stipam injectam in ignem comburi. Certitudo moralis est assensus veritati alicui sine formidine fundata et rationabili de opposito, licet oppositum absolute et sine miraculo esse possit, qualis est ea quae habetur in jure per duos testes fide dignos, aut qua habetur de baptismo alicujus ex regesto baptismali; quia, licet posset contingere quod duo testes qui habentur fide digni falsum deponant, et quod parochus falsum scripserit, id tamen raro accidit, et est periculum remotum, quod prudenter timeri non debet : alias non esset dubiorum finis. Hae observationes currunt per varias partes Theologiae, unde semel pro semper positae, firmiter sunt memoria retinendae.*

6 **I say**: It is never licit to act with a doubtful conscience, probable or more probable properly so called [1]]

1 This is to be understood with the supposition that, the conscience not yet formed at least by reflex principles, the practically-practical doubt persists; for it is always true that it is not licit to act except with certitude. It is asked what is to be done in the case of the morally permanent conscience concerning the goodness of the act, and this certitude alone confers formal honesty upon the act, whatever be the goodness of this act objectively or materially taken.

***Dico** : Nunquam est licitum agere cum conscientia dubia, probabili aut probabiliori proprie sumpta*[1]

[1] *Id intelligendum est, supposito quod, conscientia nondum formata saltem per principia reflexa, dubium practice-practicum perseveret; nam semper verum est, non licere agere nisi cum certitudine Queritur quid agendum sit in casu conscientiae permoralis de bonitate actus, et haec sola certitudo actui confert honestatem formalem, quidquid sit de bonitate hujus actus objective seu materialiter sumpti.*

7 instead of a probable or more probable practically-practical doubt or judgment concerning the formal goodness or malice of the action; but only a morally certain conscience is the rule of our actions. It is certain and common, even among probabilists.

pro dubio aut judicio probabili vel probabiliori practice-practico de bonitate vel malitia formali actionis, sed sola conscientia certa moraliter est regula actionum nostrarum. Est certa et communis, etiam apud probabilistas.

8 *It is proved*. 1° Conscience is the immediate rule of our actions. But a rule ought to be certain and infallible, at least morally: otherwise it would not be proposed as a rule, but would be regulable. Therefore.

Probatur. *1° Conscientia est regula immediata actionum nostrarum. Atqui regula debet esse certa et infallibilis, saltem moraliter : alias non proponeretur ut regula, sed foret regulanda. Ergo.*

9 2° He who acts with a doubtful conscience, probable or only more probable, does not act prudently. Therefore he sins. — *The antecedent is proved.* That anyone may act prudently, he ought to have no reasonable and founded fear of the formal dishonesty of his act; for the act of prudence is always practically true and morally certain. But he who acts with a doubtful conscience, or one only probable and more probable, concerning the formal honesty of his act, has a reasonable and founded fear of the formal dishonesty of his act, because those consciences do not go beyond the bounds of probability or opinion, whose account it is that it is with reasonable and founded fear of the opposite; and otherwise, if there were not reasonable and founded fear, it would already be moral certitude. — *It is confirmed.* He who takes a drink of which he doubts whether it is poisoned, or which he believes only probably and more probably not to be poisoned, while he has another not poisoned, acts imprudently. Therefore similarly.

2° *Qui agit cum conscientia dubia, probabili aut probabiliori tantum, non agit prudenter. Ergo peccat.* — Probatur ant. *Ut quis agat prudenter, nullam habere debet formidinem rationabilem et fundatam de inhonestate formali sui actus; actus enim prudentiae est semper practice verus et moraliter certus. Atqui qui agit cum conscientia dubia aut tantum probabili et probabiliori de honestate formali sui actus, habet formidinem rationabilem et fundatam de inhonestate formali sui actus, quia istae conscientiae non exeunt finibus probabilitatis seu opinionis, de cujus ratione est quod sit cum formidine rationabili et fundata de opposito, et alioquin, si non esset formido rationabilis et fundata, jam esset certitudo moralis.*—Confirmatur. *Qui sumit potum de quo dubitat an sit venenatus, aut quem probabiliter et probabilius tantum credit non esse venenatum, dum habet alium non venenatum, imprudenter agit. Ergo similiter.*

10 3° He who does what he reasonably suspects offends God, by this very fact offends him, and contemns his friendship; just as he who would do what he reasonably suspects offends a friend, by this very fact would offend him and contemn his friendship. But he who acts with a doubtful conscience, probable or only more probable, does what he reasonably suspects offends God. Therefore.

3° Qui facit id quod rationabiliter suspicatur offendere Deum, hoc ipso ipsum offendit, et ejus amicitiam contemnit; sicut qui faceret id quod rationabiliter suspicatur offendere amicum, hoc ipso ipsum offenderet et ejus amicitiam contemneret. Atqui qui agit cum conscientia dubia, probabili aut probabiliori tantum, facit id quod rationabiliter suspicatur offendere Deum. Ergo.

11 [Perplexed, that is, when someone, placed between two precepts, one of which cannot be fulfilled without the other being omitted, remains in doubt which of the two he ought to prefer, and believes he will sin by omitting either one.

plexae, id est, quando quis inter duo praecepta constitutus, quorum unum impleri non potest quin alterum omittatur, haeret dubius quodnam e duobus anteferre debeat, et credit se peccaturum alterutrum praetermittendo.

12 *I answer.* 1ª If the perplexed person can suspend the action, he is bound to defer it until he has consulted his confessor or another man expert and prudent, by whose judgment his conscience be formed.

Resp. *1ª Si perplexus possit actionem suspendere, tenetur illam differre, donec consuluerit confessarium suum vel alium virum peritum et prudentem, ex cujus sententia conscientia ejus formetur.*

13 2° If he cannot consult and there is present necessity of acting, because the action cannot be suspended without grave damage, then he is bound to choose the lesser evil, avoiding rather the transgression of the natural law than of the divine or human positive law; for the law of the lower order must always yield to the law of the higher order. It is supposed however that, in departing from the precept of lesser weight, he does not intend evil, but rather so acts as to avoid evil.

2° Si non possit consulere et adsit necessitas agendi, quia actio sine gravi damno suspendi nequit, tunc minus malum tenetur eligere, vitando potius transgressionem juris naturalis quam juris positivi divini aut humani; nam lex inferioris ordinis semper debet legi ordinis superioris cedere. Supponitur tamen eum, a praecepto minoris ponderis recedendo, non malum intendere, sed magis ita agere, ut malum vitet.

14 3° If both precepts seem equally grave to him, or he does not discern what the lesser evil is, let him choose whichever part, he will not sin, because in this case the liberty required for sinning formally is lacking, and from elsewhere necessity of sinning is never given. — So St. Alph., lib. I, tract. 1, n. 10, and Gury, n. 43.]

3° Si utrumque praeceptum aeque grave ipsi videatur, vel non discernat quidnam sit minus malum, quamlibet partem eligat, non peccabit, quia in hoc casu deest libertas requisita ad peccandum formaliter, et aliunde nunquam datur peccandi necessitas. — Ita S. Lig., lib. I, tract. 1, n. 10, et Gury, n. 43.]

15 We resolved in the preceding dissertation, from the common opinion, that it is not licit to act with a doubtful conscience, probable or more probable, but that only a morally certain conscience is the rule of our actions. Now we ask whether upon an opinion or speculative-practical judgment, probable or more probable, concerning the objective and material honesty of an action, there can be founded mediately, namely through reflex principles intervening, a morally certain conscience concerning the formal and subjective honesty of the action; consequently whether it is licit

Resolvimus dissert. praecedenti, ex communi sententia, non esse licitum agere cum conscientia dubia, probabili aut probabiliori, sed solum conscientiam moraliter certam esse regulam actionum nostrarum. Nunc quaerimus utrum in opinione seu judicio speculativo-practico, probabili aut probabiliori de honestate objectiva et materiali actionis possit fundari mediate, mediantibus scilicet principiis reflexis, conscientia moraliter certa de honestate formali et subjectiva actionis; consequenter utrum liceat

On the Probability and Choice of Opinions

1 to follow a probable or more probable opinion concerning the objective honesty of an act.

sequi opinionem probabilem aut probabiliorem de honestate objectiva actus.

Whether it is licit to follow the less probable and less safe opinion, in concurrence with one more probable and safer?

1 A probable opinion is an assent of the mind given to one side on account of a fitting motive persuading its truth, yet a fallible assent, and therefore accompanied with fear of the opposite side. Hence the probability is greater or lesser according as the motive is more or less fitting and weighty.

Opinio probabilis est mentis assensus uni parti propter motivum idoneum suadens ejus veritatem, fallibile tamen, et ideo cum formidine partis oppositae. Et hinc eo major vel minor probabilitas est, quo motivum est magis vel minus idoneum et grave.

2 The motive or foundation of probability is twofold, intrinsic and extrinsic; hence also a twofold probability, intrinsic and extrinsic. The intrinsic foundation consists of reasons drawn from the very nature, properties, causes and effects of the thing, and even from the inconveniences of the opposite side. The extrinsic foundation is the authority of doctors who hold or have held this opinion; which authority, however, moves only insofar as those doctors are presumed to teach or to have taught this opinion for good reasons. Whence extrinsic probability is rather to be estimated from the merit and erudition of the doctors, and from their study and diligence in examining the matter, than from their number. That the authority of one young and modern theologian does not suffice to found an extrinsic probability is clear from this proposition condemned by Alexander VII: « If a book be that of some young and modern author, the opinion must be judged probable, provided it does not stand established that it has been rejected by the Apostolic See as improbable. »

Motivum seu fundamentum probabilitatis est duplex, intrinsecum et extrinsecum, et ideo duplex probabilitas, intrinseca et extrinseca. Fundamentum intrinsecum sunt rationes petitae ex ipsius rei natura, proprietatibus, causis, effectibus, et etiam ex inconvenientibus partis oppositae. Fundamentum extrinsecum est authoritas doctorum qui hanc opinionem

tenent aut tenuerunt; quae tamen authoritas non movet nisi quatenus praesumuntur isti doctores hanc opinionem propter bonas rationes docere aut docuisse. Unde probabilitas extrinseca magis aestimanda est ex doctorum merito et eruditione, atque ex eorum studio et diligentia in re examinanda, quam ex eorum numero. Authoritatem unius junioris et moderni theologi non sufficere ad fundandam probabilitatem extrinsecam, constat ex hac propositione damnata ab Alexandro VII : « Si liber sit alicujus junioris et moderni, debet opinio censeri probabilis, dum non constat rejectam esse a Sede Apostolica ut improbabilem. »

3 A probable opinion can be considered in two ways, separately and comparatively with the opposite, which may be equally, less, or more probable; and according to this last consideration the present question proceeds. For we do not deny that an opinion solidly probable, considered separately, if nothing appears against it, or nothing that has not been evidently solved, can safely be chosen; because man cannot always have entire certainty in morals, and he acts prudently who acts according to weighty reasons which nothing solid overthrows.

Opinio probabilis potest considerari dupliciter, seorsim et comparative ad oppositam qua sit aeque, aut minus, aut magis probabilis, et secundum hanc ultimam considerationem procedit praesens quaestio. Non enim negamus quin opinio solide probabilis, seorsim considerata, si nihil appareat in contrarium, aut quod non sit evidenter solutum, possit tuto eligi; quia homo non potest semper in moralibus habere omnimodam certitudinem, et ille prudenter agit, qui agit secundum graves rationes quas nihil solidi infringit.

4 While a probable opinion is considered in conflict with the opposite, the more the probability of the one grows, the more the probability of the opposite is diminished; and when one becomes more probable and more like the truth, the other becomes less probable and more like falsehood, so that then it ceases to be solidly and expediently probable, as being incapable of persuading the truth; because the stronger motives of the one crush out the efficacy of the motives of the opposite.

Dum consideratur opinio probabilis in concursu oppositae, quanto magis crescit unius probabilitas, tanto magis minuitur probabilitas oppositae, et cum una fit probabilior et verisimilior, altera fit minus probabilis et falsi similior, ita ut tunc desinat esse solide et expedite probabilis, utpote incapax suadere veritatem; quia motiva probabiliora unius elidunt efficaciam motivorum oppositae.

5 The security of an opinion consists in removal from the danger of sinning, and thus it is safer by how much it removes further from the danger of sinning: whence that opinion which stands for the law is safer; that which stands for liberty is less safe. Security and probability of opinions, therefore, differ, as you see. Probability is drawn from the appearance of truth, security from removal of the danger of sinning: whence there can be given an opinion safer though less probable, and an opinion more probable though less safe. It is plain in the common example. The opinion of St. Bonaventure, which teaches that a sinner is held to repentance immediately after his fall, is safer but less probable; the opinion of St. Thomas, who teaches the opposite, is less safe, but more probable.

Securitas opinionis consistit in remotione a periculo peccandi, sicque est tutior qua magis removet a periculo peccandi : unde quae stat pro lege, est tutior; quae stat pro libertate, est minus tuta. Differunt ergo, ut vides, securitas et probabilitas opinionum. Probabilitas petitur ex apparentia veritatis, securitas ex remotione periculi peccandi : unde potest dari opinio tutior qua sit minus probabilis, et opinio probabilior quae sit minus tuta. Patet in exemplo communi. Opinio S. Bonaventurae, quae docet peccatorem statim a lapsu teneri ad paenitendum, est tutior, sed minus probabilis; opinio S. Thomae, qui docet oppositum, est minus tuta, sed probabilior.

6 **I say**: In the conflict of two opinions concerning the objective honesty of an action, it is not lawful to follow the less probable and less safe, leaving aside the more probable and safer[1]

[1] This proposition the probabilists admit and hold, explaining it thus. When the question concerns only the objective honesty of an action, it is not lawful to follow the opinion less probable and less safe, favoring liberty, leaving aside the more probable and safer, which favors the law, when the probability of the latter so exceeds the probability of the former that this appears only lightly probable; because from it a prudent man cannot frame for himself, by virtue of any certain reflex principle, a conscience morally certain of the licitness of the action. The whole system of rightly understood probabilism is contained in the following proposition: « It is licit to follow an opinion truly and solidly probable, leaving aside the safer, where the question is only of what is licit or illicit »; for although some inequality be detected in the degree of probability between the opposing opinions, this difference is often merely subjective, and the probability which is less to one may be greater to another. Besides, in such matter the trite principle must be recalled: « In morals, little is reputed as nothing. » If therefore the difference is not so great that one opinion seems notably more probable, and consequently the other lightly probable, on either side there is true and solid probability: whence one acts prudently, whether one acts according to or against the doubtful law. — Of these things more fully below.

> ***Dico** : In concursu duarum opinionum de honestate objectiva actionis, non est licitum sequi minus probabilem et minus tutam, relicta probabiliori et tutiori*[1]
>
> [1] *Hanc propositionem admittunt et tenent probabilistae, sic eam explicantes. Dum agitur de sola honestate objectiva actionis, non licet sequi opinionem minus probabilem et minus tutam faventem libertati, relicta probabiliori et tutiori favente legi, quando probabilitas posterioris probabilitatem prioris ita excedit, ut haec nonnisi leviter probabilis appareat ; quia ex ea vir prudens non potest sibi efformare, vi alicujus principii reflexi certi, conscientiam moraliter certam de licitate actionis. Totum systema probabilismi recte intellecti in sequenti propositione continetur : « Licet sequi opinionem vere et solide probabilem, relicta tutiori, ubi de solo licito vel illicito agitur, » Etiamsi enim aliqua inaequalitas deprehendatur, quoad gradum probabilitalis, inter sententias oppositas, haec differentia saepe mere subjectiva est, et probabilitas quae alicui minor est, alteri major esse potest. Aliunde in tali materia revocandum est tritum principium : «In moralibus, parum pro nibilo reputatur. » Si ergo discrimen non tantum sit, ut una sententia notabiliter probabilior et altera consequenter leviter probabilis videatur, ex utraque parte est vera et solida probabilitas : unde prudenter agitur, sive secundum sive contra legem dubiam agatur. — De his fusius infra.*

7 Omitting many proofs from Scripture, the Fathers, the Supreme Pontiffs and theologians of every school, which may be seen in our former work,

> *Omissis pluribus probationibus ex Scriptura, Patribus, SS. Pontificibus et theologis cujusvis ordinis, quae videri possunt in priori nostro opere,*

8 *It is proved* 1° from St. Thomas, who in *Quodlibet* VII, a. 13, says: « If he who holds several benefices falls into some doubt from the contrariety of opinions, and thus, if, while such doubt remains, he holds several benefices, he exposes himself to danger, and without doubt sins, as loving temporal gain more than his own salvation[1]. » Which words seemed so open to Amedaeus Guimenius, author of the *Apologica Casuistarum*, that in his *Tract. de Opin. probab.*, n. 6, he exclaimed: « If these things are true, woe to those who act from probable opinion! »

[1] To anyone reading attentively it is plain that this text is not aptly alleged in this question. For the Angelic Doctor treats, not of probability, whether greater or lesser, but of a practically practical doubt, and he rightly pronounces him who acts « while such doubt remains » to sin « without doubt. » This authority could have been more fitly invoked in art. 6 of the preceding dissertation.

> Prob. *1° ex S. Thoma, qui* Quodlibeto *VII, a. 13, dicit : « Si ille qui habet plures praebendas, in quamdam dubitationem inducitur ex contrarietate opinionum, et sic, si, manente tali dubitatione, plures praebendas habet, periculo se committit, et sic procul dubio peccat, utpote magis amans beneficium temporale quam propriam salutem*[1]*. »*

Qua verba adeo aperta visa sunt Amadaeo Guimenio, authori Apologicae Casuistarum, *ut* Tract. de Opin. probab., *n. 6, dixerit : « Haec si vera sint, vae operantibus ex opinione probabili! »*

[1] *Cuique attente legenti patet, hunc textum non apposite in hac quaestione allegari. Agit enim Angelicus, non de probabilitate sive majori sive minori, sed de dubio practice practico, et recte pronunciat eum qui, « manente tali dubitatione, » agit, « procul dubio peccare. » Haec authoritas opportunius invocari potuisset art. 6 praeced. dissert.*

9 *It is proved* by many reasons: 1° He who in the conflict of opinions concerning the objective honesty of an act follows the less probable standing against the law, leaving aside the more probable standing for the law, cannot frame for himself a conscience morally certain of the honesty and formal licitness of his act, neither from direct principles nor from reflex principles. Therefore he sins. The consequence is plain from what we said above, that only a morally certain conscience is the rule of our actions; because otherwise it is to act imprudently and expose oneself to the danger of sinning formally, and consequently to sin. And thus it is commonly admitted by probabilists. — The *antecedent* holds also for its first part; for from a less probable principle there cannot be deduced directly and immediately a morally certain conclusion: this too the adversaries concede. The whole difficulty, therefore, lies in the second part of the antecedent. Wherefore *it is proved*, the second part of the antecedent: 1° The reflex principles from which the probabilists contend they can immediately frame a conscience morally certain of the formal honesty of their action, by following the opinion less probable and less safe, that is, standing for liberty against the law, are: « He who acts probably acts prudently and safely. » — « The law which is probably judged not to exist is insufficiently promulgated and invincibly unknown, and therefore does not bind in act. » — « In doubt, better is the condition of the possessor of his liberty »; and certain others of less moment, for these are the principal ones. But these principles are uncertain and at most probable. Therefore from them there cannot be drawn a certain conclusion, or framed a conscience morally certain in practice of the formal honesty of the action. — The consequence is plain; for the conclusion cannot be more certain than its principles. — Proof of the minor: All anti-probabilists deny these principles as absolutely false, and without doubt their denial is probable; for they are authors most weighty in number and authority, nor are their reasons improbable: which two things found a probable opinion. Therefore these principles are uncertain and at most probable; for if they are probably false, they are only probably true. Wherefore, if the probabilists wish their reflex principles to be certain, such that from them a morally certain conscience can be framed, they must before all else prove that all the arguments we bring against them are not only not certain, but not even probable: which when they have done, we shall gladly associate ourselves with them.

Prob. *ratione multiplici : 1° Qui in conflictu opinionum de honestate objectiva actus sequitur minus probabilem stantem contra legem, relicta probabiliori stante pro lege, non potest sibi formare conscientiam moraliter certam de honestate et licitate formali sui actus, neque ex principiis directis, neque ex principiis reflexis. Ergo peccat. Consequentia patet ex his quae supra diximus, solam conscientiam moraliter certam esse regulam nostrarum actionum; quia alioquin est imprudenter agere et se exponere periculo peccandi formaliter, consequenter peccare. Et ita communiter admittitur a probabilistis.* — Antecedens *etiam pro prima parte constat; ex principio enim minus probabili non potest deduci directe et immediate conclusio moraliter certa : id etiam concedunt adversarii. Tota difficultas ergo est in secunda parte antecedentis. Itaque* Prob. *secunda pars ant. 1° Principia reflexa ex quibus probabilistae contendunt sibi posse immediate formare conscientiam moraliter certam de honestate formali suae actionis, sequendo opinionem minus probabilem et minus tutam, seu stantem pro libertate contra legem, sunt : « Qui probabiliter operatur, prudenter et tuto operatur. » — « Lex qua probabiliter judicatur non existere, est insufficienter promulgata et invincibiliter ignorata, ideoque non obligat actu. » — « In dubio melior est conditio possidentis suam libertatem ; » et quaedam alia minoris*

momenti, haec enim sunt praecipua. Atqui haec principia sunt incerta et ad summum probabilia. Ergo ex his non potest erui conclusio certa, seu formari conscientia moraliter certa practice de honestate formali actionis. - Patet consequentia; non enim potest conclusio esse certior suis principiis. - Prob. min. Omnes antiprobabilistae negant haec principia tamquam absolute falsa, et indubie probabiliter negant; sunt enim authores numero et pondere gravissimi, neque eorum rationes sunt improbabiles : quae duo fundant opinionem probabilem. Ergo haec principia sunt incerta et ad summum probabilia; si enim sint probabiliter falsa, non sunt nisi probabiliter vera. Quapropter, si probabilistae velint sua principia reflexa esse certa, ex quibus formari possit conscientia moraliter certa, debent ante omnia evincere omnia argumenta quae proferimus contra illos, non solum non esse certa, sed nec esse probabilia : quod ubi praestiterint, libenter eis associabimur.

10 2° Everyone is bound, in controversies and difficulties arising daily, especially in matters of faith and morals, sincerely to seek the truth while it lies hidden, and to strive toward it as much as he can. This principle is most certain and is proved in many ways: 1° From that of *Ecclus.*, XXXVII, 20: Before all works let the word of truth precede thee. 2° Because the religion of Christ is a school of truth; for he himself is the way, the truth and the life, and he testifies that he came into the world to give testimony to the truth, and that he wished to institute a religion in which true adorers would adore the Father in spirit and in truth. 3° The office of an upright man requires that he not knowingly depart from the truth of the law, which all nations seek and intend. 4° Finally, right reason dictates it, whose object is truth. — *I subjoin*. But he who follows what he judges more probably false and contrary to the truth of the law, most certainly neither loves nor sincerely seeks the truth, nor strives toward it as much as he can. Therefore it is not lawful to follow the less probable opinion against the law, leaving aside the more probable for the law.

2° Unusquisque tenetur in controversiis et difficultatibus quotidie emergentibus, praesertim in materia fidei et morum, sincere quaerere veritatem, dum latet, et ad eam niti quantum potest. Hoc principium est certissimum et multipliciter probatur : 1° Ex illo Eccli., *XXXVII, 20 :* Ante omnia opera verbum verax praecedat te. *2° Quia religio Christi est schola veritatis; est enim ipse via, veritas et vita, testaturque se venisse in mundum ut testimonium perhiberet veritati, talemque religionem se velle instituuere, in qua veri adoratores adorarent Patrem in spiritu et in veritate. 3° Exigit officium probi viri ut scienter non recedat a veritate legis, quam omnes nationes quaerun et intendunt. 4° Tandem id dictat recta ratio, cujus objectum est veritas.* — Subsumo. *Atqui qui sequitur quod probabilius credit falsum et contrarium veritati legis, is certo certius non amat nec quaerit sincere veritatem, nec ad eam nititur quantum potest. Ergo non est licitum sequi sententiam minus probabilem contra legem, relicta probabiliori pro lege.*

11 3° It is not lawful to follow the less safe opinion if it is not properly, solidly and expediently probable. But the less probable opinion, in conflict with the more probable, is not properly, solidly and expediently probable. — The major the probabilists now admit. — *The minor is proved*: That opinion is properly, solidly and expediently probable whose motives are so weighty and solid as to suffice for obtaining the assent of a prudent and learned man: thus the probabilists define it. But the motives of the less probable opinion, in conflict with the more probable, do not suffice for obtaining the assent of a prudent and learned man, but only for instilling some fear of the opposite. Therefore. — Proof of the minor: 1° The force and efficacy of those motives is overcome and crushed by stronger motives. Therefore. 2° A prudent man cannot assent to an opinion which he judges more probably false than true; for assent is an act of the mind by which we judge something true or more like the truth. Therefore. And so, although the less probable opinion in itself, or respectively in regard to him to whom its opposite does not appear more probable, can be called properly, solidly and expediently probable, yet otherwise comparatively in regard to him to whom the opposite is more probable.

3° Non licet sequi sententiam minus tutam, si non sit proprie, solide et expedite probabilis. Atqui sententia minus probabilis, in conflictu probabilioris, non est proprie, solide et expedite probabilis. - Majorem admittunt modo probabilistae. — Probatur min. *Illa sententia est proprie, solide et expedite probabilis, cujus motiva sunt ita gravia et solida, ut sufficiant ad obtinendum assensum viri prudentis et eruditi : ita definiunt probabilistae. Atqui motiva sententiae minus probabilis, in concursu probabilioris, non sufficiunt ad obtinendum assensum viri prudentis et eruditi, sed tantum ad ingerendam aliquam formidinem de opposito. Ergo.— Prob. min. 1° Vis et efficacia istorum motivorum superatur et eliditur a motivis fortioribus. Ergo. 2° Vir prudens non potest assentiri opinioni quam probabilius judicat falsam quam veram ; assensus enim est actus mentis, quo judicamus aliquid ut verum aut verisimilius. Ergo. Itaque, licet sententia minus probabilis secundum se, seu respective ad illum cui opposita non apparet probabilior, possit dici proprie, solide et expedite probabilis, secus tamen comparate ad illum cui opposita est probabilior.*

12 4° He who acts according to the less probable and less safe opinion, in conflict with one more probable and safer, acts imprudently. Therefore he sins. — *The antecedent is proved*: Either he doubts of the honesty of his act, or he does not. If he doubts, he acts imprudently while that doubt stands, as he would act imprudently who took food which he doubted was poisoned; if he does not doubt, he is far more imprudent, since he does not doubt where there is so great reason for doubting, as he would be most imprudent who did not doubt food to be poisoned, while stronger motives dictated it to be poisoned.

4° Qui operatur secundum opinionem minus probabilem et minus tutam, in concursu probabilioris et tutioris, imprudenter agit. Ergo peccat. — Probatur ant. *Vel dubitat de honestate sui actus, vel non. Si dubitet, imprudenter agit stante illo dubio, sicut ageret imprudenter qui assumeret escam quam dubitat esse venenatam ; si non dubitet, longe magis est imprudens, dum non dubitat ubi est tanta ratio dubitandi, sicut ille foret maxime imprudens, qui non dubitaret escam esse venenatam, dum motiva urgentiora dictant esse venenatam.*

13 5° According to the most celebrated rule of law, « in doubts the safer part is to be chosen[1]. » But he who judges the action more probably illicit more than doubts of its honesty, as is plain from the terms. Therefore. And by this argument alone the whole controversy is absolutely decided; but this cardinal rule, which the probabilists keenly impugn, we shall establish with all its supports in the following article, and we shall shut off all the evasions of the probabilists.

1 If the question is of acting while a practically practical doubt stands, because then the agent is not morally certain of the honesty of his action.

5° Juxta regulam celebratissimam juris, « in dubiis tutior pars est eligenda[1]. » Atqui qui probabilius judicat actionem esse illicitam, plusquam dubitat de illius honestate, ut patet ex terminis. Ergo. Et hoc solo argumento tota controversia absolute dirimitur; sed hanc cardinalem regulam, quam acriter impugnant probabilistae, omnibus suis momentis stabiliemus art. seq., et omnia probabilistarum effugia praecludemus.

1 Si agatur stante dubio practice practico, quia tunc agens non est moraliter certus de honestate suae actionis.

14 Finally attend to the following propositions condemned by Innocent XI, March 2, 1679: « Speaking generally, while the question is of probability, whether intrinsic or extrinsic, however slight, provided one does not pass beyond the bounds of probability, confident we do something, we always act prudently. » It is no. 3. — Likewise: « An infidel will be excused from infidelity, not believing, led by a probable opinion. » It is no. 4. From the condemnation of which propositions these common principles of the probabilists seem condemned: « He who acts probably acts prudently[2] »; What is probable: therefore licit[3]; and the like.

[2] Below it will be said that this principle, taken nakedly, is not admitted by the true probabilists, because probability of itself is not a sufficient motive for acting licitly, unless the conscience be duly framed from some reflex principle.

[3] The same must be said as of the preceding.

> *Denique attende ad sequentes propositiones damnatas ab Inno. XI, 2 Martii 1679 : « Generatim, dum de probabilitate, sive intrinseca sive extrinseca, quantumvis tenui, modo a finibus probabilitatis non exeatur, confisi aliquid agimus, semper prudenter agimus. » Est n° 3a. — Item : « Ab infidelitate excusabitur infidelis non credens, ductus opinione probabili. » Est n° 4a. Ex quarum propositionum damnatione videntur damnata haec communia probabilistarum principia: « Qui probabiliter agit, prudenter agit[2] ». Probabile est : ergo licitum[3]; et similia.*
>
> [2] *Infra dicetur hoc principium nude sumptum a veris probabilistis non admitti, quia probabilitas per se non est motivum sufficiens ut licite agatur, si conscientia ex aliquo principio reflexo non rite formetur.*
>
> [3] *Idem dicendum ac de praecedenti.*

15 *Obj.*: The probabilist can frame for himself a morally certain conscience from this syllogism: He who acts as he probably judges to be licit acts prudently; for a probable opinion is that which rests upon a weighty motive, and to which a prudent man can assent. But he who follows the less probable opinion acts as he probably judges to be licit. Therefore he acts prudently.

> Obj. *: Probabilista potest sibi formare conscientiam moraliter certam ex illo syllogismo: Qui agit quod probabiliter judicat esse licitum, prudenter agit; probabilis enim opinio ea est quae nititur gravi motivo, et cui vir prudens potest assentiri. Atqui qui sequitur sententiam minus probabilem, agit quod probabiliter judicat esse licitum. Ergo prudenter agit.*

16 *I answer.* I distinguish the major: He who acts as he probably judges to be licit acts prudently — if he does not judge it more probably illicit, pass the major; if he judges it more probably illicit, I deny the major. And in this sense distinguish the minor; I deny the consequence. For he truly is imprudent who does what he judges more probably illicit.

> Resp. *Dist. maj. Qui agit quod probabiliter judicat esse licitum, prudenter agit; si non judicet probabilius esse illicitum, transeat maj. Si judicet probabilius esse illicitum, nego maj. Et ad hunc sensum distingua min., nego conseq. Ille enim vere est imprudens, qui facit quod probabiliora existimat esse illicitum.*

17 *You will insist* 1°: He who acts according to an opinion truly and solidly probable acts prudently, because he acts from a weighty and solid motive to which a prudent man can assent. But the opinion, even though less probable, in conflict with its more probable opposite, is truly and solidly probable; for it rests upon a weighty motive, nor is it contrary to Scripture, councils, or the Fathers, or evident reason. Therefore.

> Inst. *1° : Qui agit secundum sententiam vere et solide probabilem, prudenter agit, quia agit ex motivo gravi et solido cui potest assentiri vir prudens. Atqui sententia etiam minus probabilis, in concursu opposita probabilioris, est vere et solide probabilis; nam nititur motivo gravi, nec est contraria Scriptura, conciliis, aut Patribus, aut evidenti rationi. Ergo.*

18 *I answer.* The major being granted, I distinguish the minor. For the less probable opinion, in conflict with its more probable opposite, is truly and solidly probable respectively in regard to him to whom the opposite does not appear more probable — grant the minor; respectively in regard to him to whom the opposite appears more probable — I deny it. For since its motives are crushed by the stronger motives of the more probable, it is not sufficient to obtain the assent of him to whom the opposite appears more probable; but that opinion only is truly, solidly and expediently probable

which suffices to obtain assent, according to the probabilists themselves. See the third proof by reason.

> Resp. *Data maj., dist. min. Sententia enim minus probabilis, in concursu opposita probabilioris, est vere et solide probabilis respective ad eum cui opposita non apparet probabilior, conc. min.; respective ad illum cui opposita apparet probabilior, nego. Cum enim ejus motiva elidantur per motiva fortiora probabilioris, non est sufficiens ut obtineat assensum illius cui opposita apparet probabilior; illa autem sententia tantum est vere, solide et expedite probabilis, quae sufficit ad obtinendum assensum, secundum ipsos probabilistas. Vide tertiam probationem a ratione.*

19 *You will insist* 2°: The comparative supposes the positive. Therefore, if of two opinions one is more probable, the other is truly probable.

> Inst. *2° : Comparativum supponit positivum. Ergo, si ex duabus opinionibus, una est probabilior, altera est vere probabilis.*

20 *I answer.* If probable be taken strictly and properly for that which is capable of obtaining the assent of a prudent man, I deny the supposition of the antecedent; for then the more probable is not taken comparatively but adversatively, so that the sense is: One is probable, the other is not. In which sense the Apostle spoke, *I Cor.*, VII, 9: It is better to marry than to burn. And Susanna, *Dan.*, XIII, 23: It is better to fall into your hands without wrongdoing than to sin in the sight of God — not that it is good to burn or to die; but because it is good not to marry and not to sin, evil to burn and to die. But if probable be taken less strictly and less properly for that which instills some fear of the opposite, then the more probable can indeed be taken comparatively, but nothing thence against us.

> Resp. *Si probabile sumatur stricte et proprie pro eo quod est capax obtinendi assensum viri prudentis, nego suppositum antecedentis; tunc enim tò probabilior non sumitur comparative, sed adversative, ita ut sensus sit : Una est probabilis, altera non. Quo sensu dixit Apostolus,* I Cor.*, VII, 9 :* Melius est nubere, quam uri. *Et Susanna,* Dan.*, XIII, 23 :* Melius est absque opere incidere in manus vestras, quam peccare in conspectu Dei *: non quod sit bonum uri aut mori; sed quia bonum est non nubere et non peccare, malum uri et mori. Si vero sumatur probabile minus stricte et minus proprie, pro eo quod ingerit aliquam formidinem de opposito, tunc tò probabilior potest sumi comparative, sed nihil inde contra nos.*

21 *You will insist* 3°: The less safe remains truly safe in the presence of the safer; e.g., the married state is truly safe, although religion is safer. Therefore similarly the less probable remains truly probable in the presence of the more probable.

> Inst. *3° : Minus tutum remanet vere tutum in concursu tutioris, v. g., status matrimonialis est vere tutus, licet religio sit tutior. Ergo similiter minus probabile remanet vere probabile in concursu probabilioris.*

22 *I answer.* I deny the consequence. The disparity is that greater and lesser security, especially in things pertaining to counsels and not to precepts, do not arise from contrary reasons which destroy one another, as greater and lesser probability do. Thus security in religion arises from the possibility of the commandments, likewise in the married state. But, on the contrary, the probability, e.g., of the triple contract as licit arises from the fact that society is not destroyed; the probability of the same as illicit arises from the fact that society is destroyed.

> Resp. *Nego conseq. Disparitas est quod securitas major et securitas minor, in his praesertim quae spectant consilia, et non praecepta, non oriantur ex contrariis rationibus quae sese destruunt, sicut probabilitas major et minor. Sic securitas in religione oritur ex possibilitate mandatorum, similiter in statu matrimonii. At, e contra, probabilitas, v. g.,*

contractus triplicis ut liciti, oritur ex eo quod non destruatur societas; probabilitas ejusdem ut illiciti, oritur ex eo quod destruatur societas.

23 *You will insist* 4°: From what has been said, the less safe remains safe in the presence of the safer. But the less probable opinion is less safe. Therefore it remains safe in the presence of the more probable and safer. Therefore it is lawful to follow it.

Inst. *4° : Ex dictis, minus tutum remanet tutum in concursu tutioris. Atqui sententia minus probabilis est minus tuta. Ergo remanet tuta in concursu probabilioris tutioris. Ergo licitum est illam sequi.*

24 *I answer.* I deny the minor. For the less probable opinion standing against the law is called less safe not comparatively but adversatively, that is, it is not safe, and the other is safe, as we said above of the less probable and the more probable.

Resp. *Nego min. Non enim sententia minus probabilis stans contra legem dicitur minus tuta comparative, sed adversative, id est, non est tuta, et altera est tuta, sicut diximus supra de minus probabili et probabiliori.*

25 *You will insist* 5°: The opinion absolutely and singly probable favoring liberty against the law is safe. But, from what has been said, safety is not destroyed by another safety. Therefore.

Inst. *5° : Sententia absolute et solitarie probabilis favens libertati contra legem, est tuta. Atqui, ex dictis, tutum non destruitur per aliud tutum. Ergo.*

26 *I answer.* The antecedent being set aside, I distinguish the minor. Safety is not destroyed by another safety when security arises from elsewhere than from probability — grant the minor; if it arises from probability itself, I deny the minor and the consequence.

Resp. *Omisso ant., dist. min. Tutum non destruitur per aliud tutum, quando securitas oritur aliunde quam ex probabilitate, conc. min.; si oriatur ex ipsa probabilitate, nego min. et conseq.*

27 Other and indeed more urgent arguments drawn from the insufficient promulgation and invincible ignorance of the law, from possession of liberty, from the right of following the more benign side, etc., we shall propose and solve in the following article. Whence be it

Alia et quidem urgentiora argumenta petita ex insufficienti promulgatione et ignorantia invincibili legis, ex possessione libertatis, ex jure sequendi partem benigniorem, etc. proponemus et solvemus art. seq. Unde sit

Whether, in the conflict of two equally probable opinions on the objective honesty of an act, it is lawful to follow the less safe favoring liberty, leaving the safer favoring the law?

1 Many probabilists, conquered by the arguments brought forward for the assertion of the preceding conclusion, in order that vague probabilism may have some worth, acknowledge at length that it is not licit to follow the less probable and less safe opinion, when a solidly more probable and safer one concurs; but they contend that it is at least licit to follow one equally or almost equally probable but less safe, leaving aside the equally probable safer one. Against whom

Plures probabilistae, victi argumentis in praecedentis conclusionis assertionem prolatis, jussu valere vago probabilismo, agnoscunt tandem, non esse licitum sequi opinionem minus probabilem et minus tutam, in concursu solide probabilioris et tutioris; sed contendunt saltem esse licitum sequi aeque aut fere aeque probabilem minus tutam, relicta aeque probabili tutiori. Contra quos

2 **I say**: In the conflict of two opinions equally probable concerning the objective honesty of an act, we are held to follow the safer.

> ***Dico** : In conflictu duarum opinionum aeque probabilium de honestate objectiva actus, tenemur sequi tutiorem.*

3 *It is proved.* 1° by almost all the arguments whereby we proved the prior conclusion. Reread that. I only renew the third reason.

> Prob. *1° omnibus ferme argumentis quibus priorem conclusionem probavimus. Illa relege. Tertiam dumtaxat rationem instauro.*

4 When both parts of a contradiction are equally probable, neither is properly and expediently probable. Therefore all the principles of the probabilists collapse. — *Proof.* of the antecedent. That is properly and expediently probable which is prudently approvable, or which is worthy that it be approved and assent be rendered unto it as true, although with fear of the opposite part. But when both parts of a contradiction, all things weighed, appear to anyone equally probable, he cannot prudently approve either as true in these circumstances [1], or neither is sufficient for obtaining his prudent assent. Therefore. — The major is the adversaries'. — Proof of the minor. When both parts of a contradiction are equally probable, the motives of each mutually elide themselves and weigh equally, so that as much as these strive to obtain assent, so much do those strive toward the opposite; whence the intellect remains suspended and truly doubtful between the two [1]: just as a balance remains suspended in equilibrium while in either scale there are equal weights, or as a stone drawn toward opposite parts by a twofold equal force rests unmoved. Therefore.

1 As certainly true, I concede; as truly probable, I deny.

1 Indeed, if both propositions be looked upon in themselves or speculatively. But it does not follow from this that the equilibrium of the mind cannot be resolved practically by the weight of some reflected principle placed into the balance on this side or that. And this the probabiliorists themselves do, who affirm that the equilibrium must be resolved by the apposition of their reflected principle: « In doubt the safer part is to be followed. »

> *Dum utraque pars contradictionis est aeque probabilis, neutra est proprie et expedite probabilis. Ergo corruunt omnia probabilistarum principia.* — Prob. *ant. Illud est proprie et expedite probabile, quod est prudenter approbabile, seu quod est dignum quod approbetur et illi praebeatur assensus ut vero, licet cum formidine partis oppositae. Atqui quando utraque pars contradictionis, omnibus perpensis, apparet alicui aeque probabilis, neutram in his circumstantiis potest prudenter approbare ut veram [1], seu neutra est sufficiens ad obtinendum prudentem ejus assensum. Ergo. — Major est adversariorum. — Prob. min. Quando utraque pars contradictionis est aeque probabilis, motiva utriusque se elidunt mutuo et aequaliter ponderant, ita ut quantum haec nituntur ad obtinendum assensum, tantum illa nituntur in oppositum; unde intellectus manet suspensus et inter utrumque vere dubius [1] : sicut bilans manet suspensa in aequilibrio, dum in utraque lance aequalia sunt pondera, vel sicut lapis tractus in partes oppositas a duplici virtute aequali, immotus quiescit. Ergo.*
>
> [1] *Ut certe veram, concedo; ut vere probabilem, nego.*
>
> [1] *Equidem, si ambae propositiones in se seu speculative spectentur. Sed non inde sequitur aequilibrium mentis non posse solvi practice pondere alicujus principii reflexi in bilance hinc vel inde positi. Et hoc faciunt ipsi probabilioristae, qui aequilibrium solvendum esse affirmant per appositionem sui principii reflexi : « In dubio pars tutior est sequenda. »*

5 The probabilists say: The will can command assent to one part, as, e.g., in doubt concerning someone's probity, the will commands that he be judged good [2].

[2] If anyone once instilled such an argument, he knew not, or had forgotten, that judgment of intellect necessarily precedes determination of will, and that will, as St. Thomas teaches and proves, is a blind power which follows the lead of intellect, and not intellect the lead of will.

> *Dicunt probabilistae : Voluntas potest imperare assensum unius partis, sicut, v. g., in dubio de probitate alicujus, voluntas imperat ut judicetur bonus* [2].
>
> [2] *Si quis olim tale argumentum instiluit, nesciebat vel oblitus est, judicium intellectus necessarium praecedere determinationem voluntatis, et voluntatem, ut docet et probat S. Thomas, esse potentiam caecam quae sequitur ductum intellectus, non vero intellectum sequi ductum voluntatis.*

[6] *I answer.* according to some, impossible that the will efficaciously command the intellect assent to one part where the moments are equal. But, granted this to be absolutely possible, at least certainly it cannot come about prudently and rationally, but at most according to a mind preoccupied by passion or affection, not moved by reason: which suffices us. The reason is, because to judge prudently and rationally is to judge according to the merits of the cause and the moments of reasons; but he judges not according to the merits of the cause and the moments of reasons who judges for one part rather than for another when the moments are equal on both sides. Thus no one will reckon prudent and rational that empire of the will saying to the intellect: « Although no reason move thee to opine this contract licit rather than to opine it illicit, I will nevertheless that thou opine it licit rather than illicit. » Nay, on the contrary, there is none who does not disapprove such empire as imprudent and rash.

> Resp. *juxta aliquos impossibile esse quod voluntas efficaciter imperet intellectui assensum unius partis ubi momenta sunt aequalia. Sed, dato id esse absolute possibile, saltem certo fieri non potest prudenter et rationabiliter, sed ad summum secundum animum passione aut affectu praeoccupatum, non ratione motum : quod sufficit nobis. Ratio est, quia judicare prudenter et rationabiliter, est judicare secundum merita causae et rationum momenta; non judicat autem secundum merita causae et rationum momenta, qui judicat pro una parte potius quam pro altera, quando momenta sunt utrinque aequalia. Sic nemo reputabit prudens et rationabile hoc imperium voluntatis dicentis intellectui : « Quamvis nulla ratio te moveat ad opinandum hunc contractum esse licitum, potius quam ad opinandum esse illicitum, volo tamen ut opineris esse licitum, potius quam illicitum. » Quin, e contra, nemo est qui hujusmodi imperium non improbet ut imprudens et temerarium.*

[7] If thou say: From affection toward one part, that part which before appeared equal will appear more probable, I answer. 1° This granted, one already runs outside the thesis. 2° From affection one part cannot appear more probable, except insofar as affection obscures the intellect, and the obscuration inclines and makes him attend less lightly or not at all to the reasons for the safer part, more or solely to the reasons for the less safe part; and this is to act imprudently and irrationally.

> *Si dicas : Ex affectu in unam partem, ista pars quae antea apparebat aequalis, apparebit probabilior, resp. 1° Hoc dato, jam excurritur extra thesim. 2° Ex affectu non potest una pars apparere probabilior, nisi quatenus affectus obnubilat intellectum, et obnubilatio inclinat et facit ut levius aut nullatenus attendat ad rationes pro parte tutiori, magis aut solum ad rationes pro parte minus tuta; et hoc est imprudenter et irrationabiliter agere.*

[8] To the example of him who from empire of will judges his neighbor probus in doubt concerning his malice, I answer: in this case there is present a certain rectifying principle of that empire, namely the law of charity and justice forbidding that one judge his neighbor evil unless it stand certain that he be such. But the probabilists have nothing similar.

> *Ad exemplum de eo qui ex imperio voluntatis judicat proximum probum in dubio de ejus malitia, resp. in hoc casu adesse principium certum rectificans istud imperium, nempe legem charitatis et justitiae vetantem judicare proximum esse*

malum, nisi constet esse talem. Nihil autem simile habent probabilistae.

9 *It is proved.* 2° most invincibly. This is the constant and undoubted rule of law: « In doubts the safer part is to be chosen. » But he who moves among two equally probable opinions is doubtful [1], as is manifest from what was said. Therefore.

1 He is doubtful with speculative practical doubt regarding the intrinsic truth of the opposed propositions: I concede; and if, such doubt not shaken off, he act with practical practical doubt about the honesty of the action, he sins formally, again I concede. If truly by help of some certain reflected principle he could discuss the practical practical doubt, so that he be certain that he acts honestly, even while the speculative practical doubt remains, I deny that he sins. Of this more fully below.

Prob. 2° *et invictissime. Haec est constans et indubitata regula juris : « In dubiis tutior pars est eligenda. » Atqui qui versatur inter duas opiniones aeque probabiles est dubius* [1]*, ut patet ex dictis. Ergo.*

[1] *Est dubius dubio speculative practico quoad veritatem intrinsecam propositionum oppositarum. concedo; et si, non excusso tali dubio, agat cum dubio practice practico de honestate actionis, peccat formaliter, iterum concedo. Si vero ope alicujus principii reflexi certi potuerit dubium practice practicum discutere, ita ut certus sit se honeste agere, etiam remanente dubio speculative practico, nego eum peccare. De hoc uberius infra.*

10 *Proof.* of the major. 1° Cap. *Significasti*, de homicid., lib. V *Decretal.*, tit. 12, c. 18: in doubt whether a priest killed a man, he must be judged a homicide and irregular; because, as Innocent III says, « in this case it is safer to abstain than rashly to celebrate, for the reason that in the one no danger, in the other indeed great danger is feared. » Cap. *Petitio tua*, same tit., c. 24: when a cleric fighting against enemies of the Catholic faith struck some, and thence doubted whether he had killed anyone and incurred irregularity, Honorius III answers thus: « We command that, if thy conscience bite thee concerning the killing of anyone in that conflict, thou reverently abstain from the ministry of the altar: since it is more advisable in such doubt to abstain than rashly to celebrate. » And cap. *Ad audientiam*, same tit. [2], when a certain priest, wishing to correct one of his household, wounded him with a knife slipping by chance from its sheath, it was doubted whether he had died from the occasion of the wound. Clement III responds thus: « We have judged that answer should be given to your discretion that, since in doubts we ought choose the safer path, it befits you to enjoin upon the aforesaid priest that he minister not in holy orders » [1].

2 Regarding the chapter *Ad audientiam...*, first it must be noted that the truth of the fact was not yet then explored, namely whether death had occurred from such a wound; for which cause the text subjoins: « If he die of another infirmity, he can minister divine things. » Therefore wisely did the Pontiff decree that meanwhile the priest not celebrate; for he said that in such doubt the safer way was to be chosen. It must be noted secondly, with Navarro and Suarez, that in that case there was no question of observing any precept, but only of a certain convenience, that, if it afterwards stood certain that the priest had been a homicide, there should be no scandal for the people to see him celebrating. The same was decreed in a similar case of doubtful homicide in cap. *Petitio tua*, 24 de homicid., where it was said: « Since it is more advisable in such doubt to abstain than rashly to celebrate. » Who sees not that in these cases, to put scandal to flight, it was necessary that the safer way be chosen, abstaining from celebration?

1 Since in these cases there is question of factual and practical doubt, aptly says St. Ligorius, *Morale systema*, n. 79: « I concede that [these canons] are generally to be taken regarding all practical doubts and doubts of fact, such certainly were those which occurred with respect to the cases of the aforesaid canons, but not regarding all speculative doubts and doubts of law, as say St. Antoninus, Christianus Lupus, Joannes Nyder, Dominicus Soto, Suarez, Tabiena, Sylvester, Angelus, Henriquez, Angles, St. Bonaventure, Gerson, Pelbartus, and others almost commonly; for they say the aforesaid rule of the canons regarding speculative doubts is of counsel, not of precept. »

Prob. *maj. 1° Cap.* Significasti, *de homicid., lib. V* Decretal., *tit. 12, c. 18, in dubio an sacerdos occiderit hominem, debet censeri homicida et irregularis; quia, ut ait Innocentius III, « in hoc casu cessare est tutius quam temere celebrare, pro eo quod in altero nullum, in reliquo vero magnum periculum timeatur. » Cap.* Petitio tua, *eod. tit., c. 24, cum clericus pugnando contra inimicos fidei catholicae, aliquos percussisset, et inde dubitaret an aliquem interfecisset et irregularitatem incurrisset, Honorius III respondet sic : « Mandamus quatenus, si de interfectione cujusquam in illo conflictu tua te conscientia remordeat, a ministerio altaris abstineas reverenter : cum sit consultius in hujusmodi dubio abstinere, quam temere celebrare. » Et cap.* Ad audientiam, *eod. tit.* [2], *cum quidam presbyter, volens corrigere quemdam de familia sua, illum cultello e vagina casualiter elapso vulnerasset, dubium fuit utrum occasione vulneris decessisset. Respondet Clemens III sic : « Vestrae discretioni duximus respondendum quod, cum in dubiis semitam debeamus eligere tutiorem, te convenit injungere presbytero memorato ut in sacris ordinibus non ministret »* [1].

[2] *Quoad caput* Ad audientiam*..., primo advertendum quod non adhuc facti veritas erat tunc explorata, nimirum an tali ex vulnere mors accidisset; qua de causa subjungit textus : « Si alia ex infirmitate obierit, poterit divina ministrare. » Ideoque sapienter statuit Pontifex quod interim sacerdos non celebraret; dicebat enim in tali dubio viam tutiorem eligendam. Advertendum secundo, cum Navarro et Suarez, quod eo casu non agebatur de observando aliquo praecepto, sed tantum de quadam convenientia, ut, si deinde constaret sacerdotem fuisse homicidam, populo non esset scandalum eum celebrantem conspicere. Idem statutum fuit in simili casu dubii homicidii in cap.* Petilio tua, *24 de homicid., ubi dictum fuit : « Cum sit consultius in hujusmodi dubio abstinere, quam temere celebrare. » Quis non videt, in his casibus necessario, ad scandalum effugiendum, convenisse ut via tutior eligeretur, a celebratione abstinendo ?*

[1] *Cum agatur in his casibus de dubio facti et practico, apposite dicit S. Ligorius,* Morale systema, *n. 79 : « Concedo quod generaliter accipiendi sunt [canones hi] quoad omnia dubia practica et facti, qualia utique erant illa quae occurrebant respectu ad casus praefatorum canonum, sed non quoad omnia dubia speculativa et juris, ut dicunt S. Antoninus, Christianus Lupus, Joannes Nyder, Dominicus Soto, Suarez, Tabiena, Sylvester, Angelus, Henriquez, Angles, S. Bonaventura, Gerson, Pelbartus, et alii fere communiter; aiunt enim, regulam praefatam canonum quoad dubia speculativa esse de consilio, non de praecepto. »*

11 2° Cap. *Illud*, de clerico excommunicato, lib. V *Decretal.*, tit. 27, c. 5. When the bishop of Hildesheim doubted whether the excommunication lata sent against him by the bishop of Magdeburg, Legate of the Holy See, to be borne without premised monition and without signification of the lata censura, bound him, and in this doubt had celebrated divine offices, Innocent III wrote back to the Chapter of Herbipolis in these words: « Although however he seem not to have stood wholly culpable in this, because nevertheless in doubts the safer way is to be chosen, even if he doubted of the sentence lata against him, he ought nevertheless rather to abstain than handle the ecclesiastical sacraments... While making mercy toward him, we have not judged the punishment which canon threatens those who after excommunication have presumed to celebrate divine offices... to be inflicted upon him » [1].

[1] On cap. *Illud* the same Doctor says: « There the case was that a certain bishop, notwithstanding public fame of excommunication sent against him, chose rather to celebrate rashly. Wherefore by right we say he was punished with deposition by Innocent III; for, the doubt of excommunication persisting, he was held to employ diligence that he be made more certain of the truth, and in the meantime he ought to abstain from celebration. Therefore deservedly said the Pontiff: « Because in doubts the safer way is to be chosen, even if he doubted of the sentence lata against him, he ought nevertheless rather to abstain than handle the ecclesiastical sacraments. » Add that his jurisdiction had already become doubtful, and knowingly nullily and invalidly he committed himself to the danger of exercising many acts of his ministry and office. He stood therefore in practical doubt, which previously of necessity had to be discussed.

2° Cap. Illud, *de clerico excommunicato, lib. V* Decretal., *tit. 27, c. 5. Cum episcopus Hildesemensis dubitaret an excommunicatio lata in ipsum ab episcopo Magdeburgensi, S. Sedis Legato, non praemissa monitione ferenda nec significatione latae censurae, ipsum ligaret, et in hoc dubio divina officia celebrasset, rescripsit Innocent. III Herbipolensi Capitulo his verbis : « Licet autem in hoc non videatur omnino culpabilis extitisse, quia tamen in dubiis via tutior est eligenda, etsi de lata in eum sententia dubitaret, debuerat tamen potius se abstinere, quam sacramenta ecclesiastica*

pertractare... Cum ei misericordiam facientes, poenam quam canon minatur his qui post excommunicationem divina praesumpserint officia celebrare... ei non duximus infligendam » [1].

[1] *In cap.* Illud *dicit idem Doctor : « Ibi casus fuit quod quidam episcopus, non obstante fama publica de excommunicatione adversus eum lata, temere celebrare maluit. Qua de re jure dicimus eum depositione fuisse ab Innocentio III punitum; nam, persistente dubio de excommunicatione, ipse diligentiam adhibere tenebatur, ut de veritate certior fieret, interimque a celebratione abstinere debebat. Idcirco merito dixit Pontifex : « Quia in dubiis via tutior est eligenda, etsi de lata in eum sententia dubitaret, debuerat tamen potius abstinere, quam sacramenta ecclesiastica pertractare. » Adde quod ejus jurisdictio jam dubia facta fuerat, et scienter nulliter et invalide plures actus ministerii et muneris sui exercendi periculo se committebat. Versabatur ergo in dubio practico, quod prius discutiendum de necessitate erat.*

12 3° The *Clementina Exivi*, de verborum significatione, the Friars Minor asking the Apostolic Seat whether under mortal sin they were held to those things expressed in the rule of St. Francis in words of imperative mode, Clement V responds thus: « We therefore, since we delight in sincere consciences, attending that in those things which regard the salvation of the soul, to avoid grave remorse of conscience, the securer part must be held, etc. » [2]

[2] St. Ligorius to the Clementina *Exivi* answers thus: « The case was, as is read in the same text: Antecedently it had been doubted by the Brothers whether the rule obliged only to the vows of poverty, chastity and obedience. But Nicholas III pope had already declared it to oblige also to those evangelical counsels which were expressed in the rule in obligatory words of precept or equivalent to precept. Then the Brothers supplicated Clement V, that he declare to them « what things must be judged equivalent to precepts. » Therefore Clement, before he had expounded those things which seemed equivalent to precepts by force of the words and by reason of the grave matter treated, premised those words: « Ad Therefore in that case there was no question of two equally probable parts, but only whether there were obligation to follow that part which, according to the rigor of the rule and according to what Nicholas III had already declared, was not only safer, but was uniquely safe: since it already stood that the rule by force of the words and gravity of the matter obliged to observances, as precepts, not only the three principal vows of religion, but also the evangelical counsels which were set forth in the rule, and therefore these themselves could not be passed over without grave remorse of conscience. Hence said Clement, to avoid such remorses, that the securer part must be held, which in very fact was uniquely true and uniquely secure, and on the other side no reasons supplied which could excuse the transgression of those counsels from grave fault. »

3° Clementina Exivi*, de verborum significatione, Fratribus Minoribus interrogantibus Apostolicam Sedem, utrum sub peccato mortali tenerentur ad ea quae in regula sancti Francisci exprimuntur verbis imperativi modi, respondet Clemens V sic : « Nos itaque, quia in sinceris horum conscientiis delectamur, attendentes quod in his quae animae salutem respiciunt, ad vitandos graves remorsus conscientiae, pars securior est tenenda, etc. »* [2]

[2] *S. Ligorius ad Clementinam* Exivi *ita respondet : « Casus erat, ut in eodem textu legitur : Antecedenter a Fratribus fuerat dubitatum, an regula tantum ad vota paupertatis, castitatis et obedientiae obligaret. Sed Nicolaus III papa jam declaraverat obligare etiam ad illa consilia evangelica quae in regula exprimebantur verbis obligatoriis praecepti vel praecepto aequipollentibus. Deinde Fratres Clementem V supplicarunt, ut eis declararet, « quae censeri debeant praeceptis aequipollentia. » Idcirco Clemens, priusquam explicasset ea quae praeceptis aequipollentia videbantur ex vi verborum et ratione gravis materiae de qua agebatur, praemisit illa verba : « Ad vitandos graves remorsus conscientiae, pars securior est tenenda. » Itaque eo casu non agebatur de duabus partibus aeque probabilibus, sed tantum, an adesset obligatio illam sequendi partem quae juxta rigorem regulae et juxta id quod Nicolaus III jam declaraverat, non tantum tutior, sed erat unice tuta : cum jam constabat, regulam ex vi verborum et gravitatis materiae obligare ad observanda, tamquam praecepta, non solum principalia tria vota religionis, sed etiam consilia evangelica quae in regula exponebantur, et ideo ipsa praeteriri non poterant sine gravi conscientiae remorsu. Hinc dixit Clemens, ad vitandos hujusmodi remorsus, tenendam esse securiorem partem, quae reipsa erat unice vera et unice secura, et ex alia parte nullae rationes suppetebant quae trangressionem illorum consiliorum a gravi culpa excusare valebant. »*

13 4° Cap. *Dominus*, de secundis nuptiis, lib. IV *Decretal.*, tit. 21, c. 3. Lucius III, teaching how Christians captive among Saracens, who had entered a second marriage, and now doubted of the death of the prior spouse, ought comport themselves, says: « If some man or woman... judge that

there should still be doubt for them of the death of the prior spouse, let him not deny the debt to her who married him if she ask it, which however shall by no means be exacted from him. » Likewise cap. *Inquisitioni*, de sentent. excom., lib. V *Decretal.*, tit. 39, c. 44: Innocent III, asked what is to be done by a spouse anxious about an impediment of marriage and its validity, the other party ignorant and doubting nothing, answers in this mode in these words: « Since conscience beats upon the mind from probable and discreet credence, though not evident and manifest, he can indeed render the debt, but he ought not demand it; lest in either respect, against the law of marriage [denying the debt], or against judgment of conscience [demanding the debt], he commit offense. » Plain is it that the holy Pontiffs resolve these doubtful cases according to the rule of following the safer. In such cases namely, it is safer to render the debt, lest the right be violated which the contracting party bona fide certainly believes himself to have; it is safer not to demand: because, since the law of marriage binds not to demand, he would expose himself without necessity to danger of illicit copula. But the probabilist would resolve that both can be done licitly, both render and ask [1]

[1] A true probabilist would resolve that the spouse doubting of the death of the prior compartner could not licitly use his own right while it is merely probable; for we admit not this principle alleged by some: « He who acts probatively acts licitly. » For probability per se can produce nothing but practical doubt, which doubt standing, the safer part is to be chosen, until moral certainty of the honesty of the action can be acquired in the mode which shall be declared below.

4° Cap. Dominus*, de secundis nuptiis, lib. IV* Decretal.*, tit. 21, c. 3. Lucius III docens quomodo Christiani captivi apud Saracenos, qui inierant secundum matrimonium, et jam dubitabant de morte prioris conjugis, se gerere deberent, dicit : « Si aliquis vel aliqua... de morte prioris conjugis adhuc sibi existimat dubitandum, ei quae sibi nupsit debitum non deneget postulanti, quod a se tamen nullatenus erit exigendum. » Similiter cap.* Inquisitioni*, de sentent. excom., lib. V* Decretal.*, tit. 39, c. 44, Innocentius III interrogatus quid agendum conjugi anxio de impedimento conjugii et ejus valore, altera parte inscia et nihil dubitante, eo modo respondet his verbis : « Cum conscientia pulsat animum ex credulitate probabili et discreta, quamvis non evidenti et manifesta, debitum quidem reddere potest, sed postulare non debet; ne in alterutro, vel contra legem conjugii [debitum denegando], vel contra judicium conscientiae [debitum exigendo], committat offensam. » Palam est SS. Pontifices hos casus dubios resolvere juxta regulam tutioris sequendi. In hujusmodi nempe casibus, tutius est reddere debitum, ne violetur jus quod compactus bona fide certo credit se habere; tutius est non exigere : quia, cum lex conjugii non obliget exigere, se exponeret sine necessitate periculo copulae illicitae. Resolveret autem probabilista posse licite utrumque, et reddere et petere*[1]

[1] *Verus probabilista resolveret, conjugem de morte prioris compartis dubitantem non licite uti posse jure proprio, quamdiu est tantum probabile; quia non admittimus hoc principium a quibusdam allegatum: « Qui probabiliter agit, licite agit. » Probabilitas enim per se nonnisi dubium practicum parere potest, quo dubio stante, pars tutior est eligenda, donec certitudo moralis de honestate actionis acquiri possit eo modo qui infra declarabitur.*

14 **The objections are solved.**

Solvuntur objectiones.

15 *Obj.* 1°: No law, even existing a parte rei, binds subjects proximately and in second act, as long as it has not been sufficiently intimated and promulgated to them without their fault. But, as long as, after all diligence employed, there remains truly, certainly and solidly probable among all that no prohibitive law of an action is given, that law, if perchance it exist a parte rei, is not sufficiently intimated and promulgated to subjects. Therefore.

Obj. *1° : Nulla lex, etiam a parte rei existens, subditos proxime et in actu secundo obligat, quamdiu non est illis, citra eorum culpam, sufficienter intimata et promulgata. Atqui, quamdiu, post habitam omnem diligentiam, manet vere, certo*

et solide probabile apud omnes non dari legem actionis alicujus prohibitivam, lex illa, si forte a parte rei detur, non est subditis sufficienter intimata et promulgata. Ergo.

16 *I answer.* 1° from this argument it follows that he who doubts whether he has sinned mortally is not held to confess the sin, saying that the law of confession is not sufficiently promulgated; likewise that probabilist doctors teach ill that something is illicit when they know it to be upheld by others as licit. For then, according to the posited principle, law is not sufficiently promulgated.

Resp. *1° ex hoc argumento sequi quod qui dubitat an peccaverit mortaliter, non tenetur peccatum confiteri, dicendo legem confessionis non esse sufficienter promulgatam; item quod doctores probabilistae male doceant aliquid esse illicitum, quando sciunt illud ab aliis sustineri ut licitum. Tunc enim, juxta positum principium, lex non est sufficienter promulgata.*

17 *I answer.* 2° I deny the supposition of the minor: namely that it be certainly and solidly probable in doubt that no law be given; because, as we have proved, two equally probable opinions mutually elide each other, whence neither is certainly and solidly probable, but doubtful [1]. But, this granted,

1 Very well, so long as the speculative practical doubt is not resolved practically by some certain reflected principle applicable to the matter.

Resp. *2°. Nego suppositum minoris : nimirum esse certo et solide probabile in dubio non dari legem; quia, ut probavimus, duae opiniones aeque probabiles mutuo se elidunt, unde neutra est certo et solide probabilis, sed dubia [1]. Sed, hoc dato,*

[1] Optime, quamdiu dubium speculative practicum per aliquod principium reflexum certum et applicabile materiae non dissolvitur practice.

18 *I answer.* 3° and principally. *I distinguish the minor.* As long as there remains certainly and solidly probable that no law be given, it is not sufficiently promulgated, if it be not equally certainly and solidly probable that it be given, *I concede* the minor; if it be equally certainly and solidly probable that it be given, *I deny* the minor. For then the law becomes doubtful, and therefore sufficiently promulgated to bind, if not directly and by its own force, at least indirectly and by force of general law, namely that in doubt the safer part must be chosen [1], consequently that a doubtful law must be observed, because this is safer.

1 Therefore, even according to the doctrine of probabiliorism, the speculative practical doubt must be resolved practically by some reflected principle.

Resp. *3° et praecipue. Dist. min. Quamdiu manet certo et solide probabile non dari legem, non est sufficienter promulgata, si non sit aeque certo et solide probabile illam dari, conc. min.; si sit aeque certo et solide probabile illam dari, nego min. Tunc enim lex fit dubia, et ideo sufficienter promulgata ut obliget, si non directe et vi sua, saltem indirecte et vi legis generalis, scilicet in dubio tutiorem partem esse eligendam [1], consequenter legem dubiam esse observandam, quia hoc est tutius.*

[1] Ergo, etiam secundum doctrinam probabiliorismi, dubium speculative practicum per aliquod principium reflexum practice solvendum est.

19 *Obj.* 2°: Invincible ignorance of law excuses one acting from it. But certain and solid probability about non-prohibition of some action, even in concurrence of equal probability, is necessarily joined with invincible ignorance of law. Therefore. — *Proof.* of the minor. That ignorance is invincible which after so many years of study, so many exertions of minds, could not be overcome. But such is ignorance of law against whose existence truly and certainly probable motives militate. Therefore.

Obj. 2° : *Ignorantia invincibilis legis excusat operantem ex ea. Atqui certa et solida probabilitas de non prohibitione alicujus actionis, etiam in concursu aequalis probabilitatis, necessario conjungitur cum ignorantia invincibili legis. Ergo.* — Prob. *min. Illa ignorantia est invincibilis, quae post tot annorum studium, tot ingeniorum desudationes superari non potuit. Atqui talis est ignorantia legis contra cujus existentiam motiva vere et certo probabilia militant. Ergo.*

20 *I answer.* this argument, akin to the preceding, is solved in almost the same mode. 1° From it follow the same inconveniences as from the preceding. 2° It falsely supposes solid probability in concurrence of equal probability [2]. 3° and principally, *I distinguish the minor.* Certain and solid probability of non-existence of law, even in concurrence of equal probability for the contrary part, is certainly joined with invincible ignorance excluding distinct and certain cognition of law, *I concede*; excluding doubtful cognition of law, *I deny*. But in doubt the safer must be followed. And hence it can be answered, 4° distinguishing that same minor thus: Certain and solid probability of non-existence of law, even in concurrence of equal probability, is necessarily joined with invincible ignorance of the certainty of existing law, *I concede*; of its existence itself, *I deny*. And herein perhaps the adversaries hallucinate. Indeed he who foundedly doubts of the existence of a law is invincibly ignorant of the certainty of its existence, or that it certainly exists; but he is not invincibly ignorant that it exists, since he has doubtful cognition of it [1]. Nor before the probabilists was it ever heard that he who doubted of some thing was invincibly ignorant of it [2]: thus a son who doubts whether his father lives is not invincibly ignorant, otherwise he could seize his goods; a woman who doubts of her husband's life is not invincibly ignorant that he lives, otherwise she could leap over into second nuptials; he who doubts whether he be excommunicated or irregular is not invincibly ignorant that he is excommunicated or irregular, otherwise he could safely comport himself as not excommunicate and regular, against the decisions of the holy Pontiffs; a woman who doubts the validity of her marriage is not invincibly ignorant that it is valid, otherwise she could both render and demand the debt, which the laws prohibit [3].

2 If one of two opposed equally probable opinions be truly and solidly probable, therefore the other is similarly truly and solidly probable: otherwise probability would be at once equal and unequal; which implies contradiction.

1 Doubtful cognition is not true cognition, but mere suspicion.

2 He is invincibly ignorant of it, if he can acquire certainty of it in no way.

3 In these cases, as long as objective certainty is not obtained, moral subjective certainty of the honesty of the action can no more be obtained, without which one acts not licitly.

Resp. *hoc argumentum, praecedenti affine, eodem fere modo solvi. 1° Ex illo sequuntur eadem inconvenientia ac ex praecedenti. 2° Falso supponit esse solidam probabilitatem in concursu aequalis probabilitatis [2]. 3° et praecipue, dist. min. Certa et solida probabilitas de non existentia legis, etiam in concursu aequalis probabilitatis pro parte contraria, est certo conjuncta cum ignorantia invincibili excludente distinctam et certam cognitionem legis, conc.; excludente dubiam cognitionem legis, nego. In dubio autem tutius est sequendum. Et hinc potest responderi, 4° distinguendo eamdem minorem sic : Certa et solida probabilitas de non existentia legis, etiam in concursu aequalis probabilitatis, est necessario conjuncta cum ignorantia invincibili certitudinis legis existentis, conc.; ipsius existentiae legis, nego. Et in hoc forte hallucinantur adversarii. Equidem qui fundate dubitat de existentia legis, ignorat invincibiliter certitudinem ejus existentiae, seu eam certo existere; at non ignorat invincibiliter illam existere, cum de ea habeat dubiam cognitionem [1]. Neque ante probabilistas unquam auditum fuit, eum qui dubitaret de re aliqua, eam ignorare invincibiliter [2] : sic filius qui dubitat an vivat pater, non ignorat invincibiliter, alias posset invadere ejus bona; mulier quae dubitat de vita mariti, non ignorat invincibiliter eum vivere, alias posset transvolare ad secundas nuptias; qui dubitat an sit excommunicatus*

aut irregularis, non ignorat invincibiliter se esse excommunicatum aut irregularis, alias posset tuto se gerere ut non excommunicatum et irregularem, contra decisiones SS. Pontificum; mulier quae dubitat de validitate sui matrimonii, non ignorat invincibiliter esse validum, alioquin posset et reddere et petere debitum, quod prohibent jura [3].

[2] *Si una ex duabus opinionibus oppositis aeque probabilibus sit vere et solide probabilis, ergo altera est similiter vere et solide probabilis : alioquin probabilitas esset simul aequalis et non aequalis; quod implicat.*

[1] *Dubia cognitio non est vera cognitio, sed tantum suspicio.*

[2] *Eam ignorat invincibiliter, si de ea certitudinem nullo modo acquirere possit.*

[3] *In his casibus, quamdiu certitudo objectiva non obtinetur, non magis obtineri potest subjective certitudo moralis de honestate actionis, sine qua licite non agitur.*

21 *Obj.* 3°: In doubt of existing or obliging law, possession stands for liberty. But in doubt the condition of the possessor is better, L. *In pari* (II), de Reg. juris, and Reg. 65 in *Sexto*. Therefore no one is constrained to observance of a doubtful law [4].

[4] This argument is laid down below.

Obj. *3° : In dubio legis existentis seu obligantis, possessio stat pro libertate. Atqui in dubio melior est conditio possidentis, L.* In pari *(II), de Reg. juris, et Reg. 65 in* Sexto. *Ergo nemo adstringitur ad observationem legis dubiae* [4].

[4] *Hoc argumentum infra statuitur.*

22 To this argument, which is one of the principal foundations of the whole of probabilism, there is a twofold adequate solution. The first denies the major; the other denies the minor outside the matter of justice. Therefore

Huic argumento, quod est alterum ex praecipuis fundamentis totius probabilismi, duplex est solutio adaequata. Prima negat majorem; altera negat minorem extra materiam justitiae. Itaque

23 *I answer.* 1° I deny the major; because, in doubt of existing law, either none or at least doubtful is the possession of liberty. But it stands that doubtful possession makes not the condition of the possessor better, not even in the matter of justice. — *Proof.* of the antecedent. 1° Possession of liberty is nothing else than right of doing what one pleases. For here there is no legal possession, which is defined: « Detention of a thing, with aid of body, mind and right. » Whence nothing else can be understood than right or power of doing something licitly. But man never had right of doing what he pleased in doubt of law; for never did he have right of doing anything whatever rashly and without consulted reason, which would happen if in doubt of law he chose not the safer. 2° He who doubts of law doubts of obligation of law, that is whether he is held to observe what the law commands or prohibits. Therefore possession of liberty in him is not certain, but doubtful. 3° While the probabilists say someone can licitly act against a doubtful law because he possesses liberty, they beg the principle and prove the same by the same. For liberty here is understood, not physical, but moral, which, as was said, is nothing else than right and power of doing something licitly. Whence to prove that one can licitly act against law because he has liberty, is to prove that he can licitly put forth this action, because he has right and power of putting it forth licitly; which is plainly to suppose what is in question, and to prove the same by the same. 4° Where there is certain existence of law, there is certain non-existence of liberty. Therefore where there is doubtful existence of law, there is doubtful liberty.

Resp. *1°. Nego maj.; quia, in dubio legis existentis, aut nulla aut saltem dubia est possessio libertatis. Constat autem dubiam possessionem non facere meliorem conditionem possidentis, ne quidem in materia justitiae.* — Prob. *ant. 1°*

Possessio libertatis nihil est aliud quam jus faciendi quod libuerit. Non enim est hic possessio legalis, quae definitur : « Rei detentio, corporis, animi et juris adminiculo. » Unde non potest aliud intelligi quam jus seu potestas aliquid licite faciendi. Atqui homo nunquam habuit jus faciendi quod libuerit in dubio legis; nunquam enim habuit jus faciendi quodlibet temere et inconsulta ratione, quod accideret, si in dubio legis non eligeret tutius. 2° Qui dubitat de lege, dubitat de obligatione legis, id est utrum teneatur observare id quod lex jubet aut prohibet. Ergo possessio libertatis in illo non est certa, sed dubia. 3° Dum probabilistae dicunt aliquem posse licite agere contra legem dubiam, quia possidet libertatem, petunt principium et probant idem per idem. Etenim libertas hic intelligitur, non physica, sed moralis, quae, ut dictum est, nihil est aliud quam jus et potestas aliquid licite faciendi. Unde probare quod possit quis licite agere contra legem, quia habet libertatem, est probare quod possit licite hanc actionem ponere, quia habet jus et potestatem illam licite ponendi; quod est aperte supponere quod est in quaestione, et probare idem per idem. 4° Ubi est certa existentia legis, ibi est certa non existentia libertatis. Ergo ubi est dubia existentia legis, ibi est dubia libertas.

24 *I answer.* 2° I deny, or rather *distinguish the minor.* Better is the condition of the possessor in matter of justice, *I concede*; in matters of other virtues, *I deny*. For in matter of justice the condition of the possessor is better: 1° because, since men, on the one hand greedy of things, are not wont to leave their own among others, and on the other hand an upright man is not wont to acquire possession of anything without title, hence in doubt possession infers presumption that he is lord of the thing who possesses it; 2° because, since goods of fortune are subject to human power in order to common good, legislators decreed that in doubt the possessor can retain as his own the goods he possesses, on account of common good, namely lest dominions of things remain uncertain and lawsuits become unending, as we expound more widely in the tract. de *Jure et Justit.*, dissert. IV, a. 3. But in matter of the other virtues neither reason runs. And truly never nor anywhere is it found in law that this law was enacted outside the matter of justice; but, on the contrary, laws everywhere decree, in matters of the other virtues, the safer part in doubt to be chosen.

Resp. 2°. *Nego, seu potius dist. min. Melior est conditio possidentis in materia justitiae, conc.; in materiis aliarum virtutum, nego. Ideo enim in materia justitiae melior est conditio possidentis : 1° quia, cum homines, ex una parte, rerum avidi, non soleant suas apud alios relinquere, et ex altera, vir probus non soleat acquirere possessionem alicujus rei sine titulo, hinc in dubio possessio infert praesumptionem, hunc esse rei dominum qui illam possidet; 2° quia, cum bona fortunae sint subjecta potestati humanae in ordine ad bonum commune, statuerunt legislatores, in dubio possessorem posse retinere, tamquam sua, bona quae possidet, propter bonum commune, ne scilicet incerta manerent rerum dominia et lites forent interminabiles, ut latius exponimus in tract. de* Jure et Justit., *dissert. IV, a. 3. Atqui in materia aliarum virtutum neutra ratio currit. Et revera nunquam nec ullibi reperitur in jure, hanc legem fuisse statutam extra materiam justitiae; sed, e contra, jura ubique statuunt, in materiis aliarum virtutum, tutiorem partem in dubio esse eligendam.*

25 *Obj.* 4°: According to rule of law *57 ff de Regulis juris*, lib. 50, tit. 17, and elsewhere: « The more benign opinion is to be preferred. » Therefore the safer is not always to be chosen.

Obj. *4°: Secundum regulam juris* 57 ff de Regulis juris, *lib. 50, tit. 17, et alibi: « Opinio benignior est praeferenda. » Ergo tutior non est semper eligenda.*

26 Some answer that this rule was given broadly for the external forum regarding penalties inflicted in doubts of fact, and this is to follow the safer; for it is safer to dismiss the guilty unpunished than to punish an innocent unjustly. Others answer that the more benign opinion in law is not called that which favors liberty or concupiscence, this indeed ought rather to be called malignant and perverse; but that is called more benign, according to jurists, which favors testament, religion, or oath; or, according to Sylvestrus, which favors the needy, orphans, widows and pilgrims. Moreover the more

benign opinion, however it be understood, is to be preferred when it is consonant with rules of prudence, such as is not opinion favoring liberty against law, in concurrence of any probable opinion favoring the law.

> *Respondent quidam, hanc regulam esse latam pro foro externo, quoad poenas infligendas in dubiis facti, et hoc est sequi tutius; est enim tutius reum dimitti impunitum, quam innocentem injuste puniri. Respondent alii, quod opinio benignior in jure non dicatur quae favet libertati aut concupiscentiae, haec enim debet potius dici maligna et perversa; sed ea dicitur benignior, secundum jurispritos, quae favet testamento, religioni, aut sacramento; vel, juxta Sylvestrum, quae favet egenis, orphanis, viduis et peregrinis. Caeterum opinio benignior, quovis modo intelligatur, est praeferenda, quando est regulis prudentiae consona, qualis non est opinio favens libertati contra legem, in concursu alicujus probabilis faventis legi.*

Whether it is lawful to follow the more probable but less safe opinion, in concurrence with one less probable but safer, where only the objective honesty of the act is at stake?

1 *I say*: When the question is of the objective honesty of an act alone, it is licit to follow the opinion manifestly and solidly more probable though less safe, or favoring liberty, in conflict with one less probable but safer or favoring the law. This is most common opinion, against Wendrock [1], in his notes on Epist. v of Louis de Montalte; against Sinnich in his *Saule exrege*; and against a few others who will that the safer is always to be followed.

[1] That is, Blaise Pascal, who under this fictitious name published abroad a work written in French entitled *Lettres provinciales*, by which he slanderously defamed and held up to ridicule the moral doctrine of the Fathers of the Society of Jesus. Nicolaus added notes to these letters under the assumed name of William Wendrock.

> Dico*: Quando agitur de sola honestate objectiva actus, licitum est sequi opinionem manifeste et solide probabiliorem minus tutam, seu faventem libertati, in concursu minus probabilis tutioris seu faventis legi. Est communissima contra Wendrockium*[1]*, in notis ad Epist. v Ludovici Montaltii, Sinnichium in Saule exrege, et paucos alios qui volunt semper sequendum esse tutius.*
>
> [1] *Id est, Blasii Pascal, qui sub hoc ementito nomine vulgavit opus gallice inscriptum* Lettres provinciales*, quo doctrinalem moralem Patrum Societatis Jesu calumniose deturpatam ludibrio tradidit. Nicolius his epistolis notas addidit sub nomine supposito Guillelmi Wendrock.*

2 I said, « When the question is of the objective honesty of an act alone, » namely whether it is licit or not; or when the question is of the greater probability of right, and it is asked whether a precept or law binds. For if the question be of the greater probability of a thing or fact, that is, of the validity, substance, quality or condition of some thing, it is not always licit to follow what is more probable, because of the danger of nullity of the thing, or of harming another, which the greater probability of an opinion about fact does not wash away. Thus, e.g., although it be more probable that baptism be valid in thin beer, that a beast and not a man lie hidden in a bush; yet it is not licit without necessity to confer baptism in thin beer, nor to fire into this bush, because this greater probability of fact, since it changes nothing in things, nor makes that which is required for the validity of an act to be not required, nor that which is present to be absent or harmless, does not wash away the danger [1]. Otherwise when the greater probability is of right, whether the action be licit, whether a prohibiting law exists; because, since a law which is prudently believed not to exist does not bind in act, the greater probability of the opinion according to which the law is prudently believed not to exist washes away the danger of acting formally against a law binding in act. Whence this proposition was condemned: « It is not illicit, in conferring sacraments, to follow a probable opinion concerning the

validity of the sacrament, leaving aside the safer, unless law, convention or danger of incurring grave damage forbid it. Hence an opinion merely probable is not to be used in the conferral of baptism, of priestly or episcopal Order. » It is the first among those condemned by Innocent XI.

[1] It will be shown below that these cases wander outside the present question.

> Dixi: *« Quando agitur de sola honestate objectiva actus, » scilicet an liceat necne, sive quando agitur de probabilioritate juris, et quaeritur utrum praeceptum aut lex obliget. Si enim agatur de probabilioritate rei seu facti, hoc est de validitate, substantia, qualitate, conditione alicujus rei, non semper est licitum sequi probabilius, propter periculum nullitatis rei, aut alteri nocendi, quod probabilioritas opinionis de facto non abstergit. Sic, v. g., quamvis sit probabilius baptismum valere in tenui cerevisia; feram, non hominem latere in dumo: non tamen licet sine necessitate conferre baptismum in tenui cerevisia, neque explodere in hunc dumum, quia ista probabilioritas facti, cum nihil immutet in rebus, nec faciat quod id quod requiritur ad validitatem actus non requiratur, nec quod id quod adest non adsit aut non noceat, non abstergit periculum*[1]*. Secus, quando est probabilioritas juris, an liceat actio, an sit lex prohibens; quia, cum lex quae prudenter creditur non existere, non obliget actu, probabilioritas opinionis secundum quam creditur prudenter non existere, abstergit periculum agendi formaliter contra legem actu obligantem. Unde damnata est haec propositio: « Non est illicitum, in sacramentis conferendis, sequi opinionem probabilem de valore sacramenti, relicta tutiore, nisi id vetet lex, conventio aut periculum gravis damni incurrendi. Hinc sententiae probabili tantum utendum non est in collatione baptismi, ordinis sacerdotalis aut episcopalis. » Est prima inter damnatas ab Innocentio XI.*
>
> [1] *Demonstrabitur infra hos casus extra praesentem quaestionem vagari.*

[3] *It is proved* of the conclusion, 1° from the definition of the Apostolic See. It is licit to follow the most probable among probable opinions. Therefore also the solidly more probable. — The antecedent stands from the condemnation of this proposition, which is Sinnich's: « It is not licit to follow the most probable among probable opinions. » It is the third among those condemned by Alexander VIII. — The consequence is proved. If it were not licit to follow the solidly more probable opinion, this would be so, according to the adversaries, because there remains fear of the opposite and danger of transgressing the law. But the most probable opinion also necessarily includes fear of the opposite. Therefore, if notwithstanding this it is licit to follow it, it is also licit to follow the solidly more probable. — Proof of the minor: The most probable opinion remains within the bounds of probability. Therefore it is necessarily attended with fear of the opposite side; for a probable opinion is essentially an assent given to one side from a motive fit to persuade morally, yet fallible, and therefore with fear of the opposite side.

> Prob. *conclusio 1° ex definitione Sedis Apostolicae. Licitum est sequi opinionem inter probabiles probabilissimam. Ergo et solide probabiliorem. — Antecedens constat ex condemnatione hujus propositionis, quae est Sinnichii: « Non licet sequi opinionem inter probabiles probabilissimam. » Est tertia inter damnatas ab Alexandro VIII. — Probatur consequentia. Si non esset licitum sequi opinio nem solide probabiliorem, ideo esset, juxta adversarios, quia manet formido de opposito et periculum transgrediendi legem. Atqui opinio probabilissima etiam includit necessario formidinem de opposito. Ergo, si, hoc non obstante, licitum sit sequi illam, licitum est etiam sequi solide probabiliorem. — Probatur min. Opinio probabilissima remanet intra fines probabilitatis. Ergo est necessario cum formidine partis oppositae; opinio enim probabilis est essentialiter assensus uni parti ex motivo idoneo ad suadendum moraliter, tamen fallibili, et ideo cum formidine partis oppositae.*

[4] If you say, with Daelman and certain others, to whom only the most probable is licit, that in the most probable opinion there remains indeed fear, but such as in practice does not deserve attention from a prudent man: this same thing we say of the opinion manifestly and solidly more probable.

Si dicas, cum Daelman et quibusdam aliis, quibus solus probabilissimus est licitus, quod in opinione probabilissima remaneat quidem formido, sed quae in praxi a viro prudenti non meretur attendi: hoc ipsum etiam dicimus de opinione manifeste et solide probabiliori.

5 *It is proved* 2° by authority. 1° St. Thomas, IIa IIae, q. 70, a. 2, ad 1: « In human acts, he says, upon which judgments are founded, demonstrative certainty cannot be had, because they are about contingent and variable things; and therefore probable certainty suffices, which reaches the truth in the more numerous cases, although it fail in the few. »

Prob. *2° authoritate. 1° S. Thomas, 2a 2ae, q. 70, a. 2, ad 1: « In actibus humanis, inquit, super quibus constituuntur judicia, non potest haberi certitudo demonstrativa, eo quod sint circa contingentia et variabilia, et ideo sufficit probabilis certitudo, quae ut in pluribus veritatem attingat, etsi in paucioribus deficiat. »*

6 2° St. Antoninus in Summa, I p., tit. 3, c. 10, § 10, says that anyone can act according to a probable opinion, « provided he have probable reasons more for the thing itself than for the opposite opinion. »

2° S. Antoninus in Summa, I p., tit. 3, c. 10, § 10, dicit aliquem posse agere secundum opinionem probabilem, « modo habeat rationes probabiles magis pro re ipsa quam pro opposita opinione. »

7 3° The Supreme Pontiffs in dispensations and in various cases have often used, and use, the more probable or absolutely probable opinion [1], although less safe; but kings also, in administering the affairs of the kingdom, and judges both ecclesiastical and secular, in deciding litigations, follow not always what is safer, but what is more probable. Whence those rules or common axioms of law: « What is more like the truth is to be preferred. » — « Where opinions are discordant, let the judge follow the common one. »

1 Note that clause: « Or absolutely probable, » which does not favor probabiliorism.

3° Summi Pontifices in dispensationibus et in variis casibus saepe usi sunt et utuntur opinione probabiliori aut absolute probabili[1], licet minus tuta, sed et reges, in ministrandis regni negotiis, judices tam ecclesiastici quam saeculares, in dirimendis litibus, sequuntur non semper quod est tutius, sed quod est probabilius. Unde hae regulae seu communiae juris axiomata: « Quod verisimilius praeferatur. » — « Ubi sunt opiniones discordes, judex sequatur communem. »

1 Nota illud: « Aut absolute probabili, » quod probabiliorismo non favet.

8 *It is proved* 3° by reason [1]. 1° He does not sin formally who does what he prudently, reasonably and in good faith judges not even to be material sin against the law. But he who follows the opinion solidly more probable concerning the objective honesty of his act does what he prudently, reasonably and in good faith judges not even to be material sin against the law. Therefore. — The major is certain; for prudence, reason and good faith are rules of our actions. — Proof of the minor: 1° He judges prudently and reasonably who judges according to the merits of the cause, as is plain from the terms, and in all judgments both public and private. But he who judges licit that which is to him more probably licit, or that which weightier and more solid motives persuade to be licit, judges according to the merits of the cause, as is plain. Therefore.

1 The arguments drawn from reason here brought forward in favor of probabiliorism can rightly be alleged, and will be invoked by us below in favor of probabilism.

Prob. *3° ratione[1]. 1° Ille non peccat formaliter, qui facit quod prudenter, quod rationabiliter et bona fide judicat nequidem esse peccatum materiale contra legem. Atqui qui sequitur opinionem solide probabiliorem de honestate*

objectiva sui actus, facit quod prudenter, quod rationabiliter et bona fide judicat nequidem esse peccatum materiale contra legem. Ergo. — Major est certa; nam prudentia, ratio, bona fides sunt regulae nostrarum actionum. — Prob. minor. 1° Ille prudenter et rationabiliter judicat, qui judicat secundum merita causae, ut patet ex terminis, et in omnibus judiciis tam publicis quam privatis. Atqui qui id quod sibi probabilius est licitum, seu id quod graviora et solidiora motiva suadent esse licitum, judicat esse licitum, judicat secundum merita causae, ut patet. Ergo.

[1] *Argumenta a ratione petita quae hic proferuntur in favorem probabiliorismi, jure allegari possunt et a nobis invocabuntur infra in gratiam probabilismi.*

9 2° He judges prudently who judges from the motive whereby a prudent man is wont to be determined to judgment. But a prudent man is wont to be determined to judgment from a motive weightier and more solid. Therefore. 3° He judges prudently who would judge imprudently if he judged otherwise. But he who judged illicit that which is more probably licit would judge imprudently, as he would judge imprudently who should judge black a color more like white than black. Therefore.

2° Ille prudenter judicat, qui judicat ex motivo quo vir prudens solet determinari ad judicandum. Atqui vir prudens solet determinari ad judicandum ex motivo graviori et solidiori. Ergo. 3° Ille prudenter judicat, qui, si secus judicaret, imprudenter judicaret. Atqui qui judicaret id quod probabilius est licitum esse illicitum, imprudenter judicaret, sicut imprudenter judicaret, qui colorem similiorem albo quam nigro judicaret esse nigrum. Ergo.

10 2° He who does what he judges more probably objectively honest, or contrary to no law, if perchance there be a prohibiting law, invincibly ignores it. But invincible ignorance of the law excuses from formal sin, as is plain from this second proposition condemned by Alexander VIII: « Although invincible ignorance of the law of nature be granted, this, in the state of fallen nature, does not excuse the agent from formal sin by virtue of itself. » — Proof of the minor: He who seriously strives for the truth, and does all that he morally can to attain it, and follows that which comes nearer to it, if perchance he reaches it not, invincibly ignores it; because that ignorance is invincible which cannot be overcome by human study, as the Author says, Ia IIae, q. 76, a. 2, ad 1. But all this he furnishes who, after sufficient examination, follows the more probable opinion. Therefore.

2° Ille qui facit quod probabilius judicat esse objective honestum, seu nulli legi contrarium, si forte sit lex prohibens, illam invincibiliter ignorat. Atqui ignorantia invincibilis legis excusat a peccato formali, ut patet ex hac propositione secunda damnata ab Alexandro VIII: « Tametsi detur ignorantia invincibilis juris naturae, haec in statu naturae lapsae operantem ex ipsa non excusat a peccato formali. » — Prob. min. Qui serio enititur ad veritatem, facitque totum quod moraliter potest ut eam assequatur, et sequitur quod propius ad eam accedit, si forte non attingat, invincibiliter illam ignorat; quia ea ignorantia est invincibilis, quae humano studio vinci non potest, ut dicit Author 1a 2ae, q. 76, a. 2, ad 1. Atqui totum hoc praestat qui, post sufficiens examen, sequitur opinionem probabiliorem. Ergo.

11 *You will say*, with Daelman, that ignorance of the law or of the objective malice of an action is not judged invincible where there are found certain arguments known to the agent on behalf of that law or that malice. Whence, although perhaps he then invincibly ignore the certainty of the malice, yet he does not invincibly ignore the malice or the law which he knows probably to be such.

Dices, *cum Daelman, quod ignorantia legis seu malitiae objectiva actionis non censeatur invincibilis, ubi quaedam argumenta reperiuntur ipsi operanti nota pro ipsa lege seu malitia. Unde, quamvis forte tunc invincibiliter ignoret malitiae certitudinem, non tamen invincibiliter ignorat malitiam seu legem quam probabiliter novit talem.*

12 *On the contrary*: 1° From this argument it follows that neither from a most probable opinion would there be invincible ignorance of the law, since with it are found also arguments known to the agent of the existence of the law. 2° Although there are arguments on the contrary side both in the most probable and in the more probable, these are to be neglected and set after the more probable and weightier ones; whence it comes about that the agent who seriously seeks the truth, and strives toward it as much as he can, cannot prudently judge that less probable part to be true, but rather the contrary, which is more like the truth. Whence, in respect of him, as to prudent judgment, those lighter considerations stand just as if they were not, and thus they do not prevent the ignorance of the law, at least while binding in act, from being morally invincible.

> Sed contra*: 1° Ex hoc argumento sequitur quod neque ex opinione probabilissima habeatur ignorantia invincibilis legis, siquidem cum ea reperiantur etiam argumenta operanti nota de legis existentia. 2° Quamvis sint argumenta in contrarium tam in probabilissima quam in probabiliori, ista sunt negligenda et postponenda probabilioribus et gravioribus; ex quo fit quod operans qui serio quaerit veritatem, et ad illam, quantum potest, nititur, non possit prudenter judicare partem illam minus probabilem esse veram, sed contrariam quae est verosimilior. Unde, respectu ipsius, quantum ad judicium prudens, perinde se habent illa leviora momenta, quasi non essent, et sic non impediunt quin ignorantia legis, saltem actu obligantis, sit moraliter invincibilis.*

13 *It is proved* 4° from the inconveniences. If the safer is always to be followed, it follows 1° that the study of moral theology is utterly useless. For in vain are we wearied, in vain we turn over books, spend nights and days inquiring which opinions are truer or more probable; in vain we heap up arguments, mostly non-demonstrative, to establish them; in vain the unlearned consult the learned whether this or that be licit; since before every study, before every inquiry and consultation, all men know that it is safer, and safe alone, to abstain from these things.

> Prob. *4° ab inconvenientibus. Si semper sit sequendum tutius, sequitur 1° prorsus esse inutile studium theologiae moralis. Frustra enim fatigamur, libros evolvimus, noctes et dies insumimus inquirendo quae sententiae sint veriores aut probabiliores, frustra congerimus argumenta plerumque non demonstrativa ad eas stabiliendas, frustra indocti consulunt doctos, an hoc vel illud sit licitum; si quidem ante omne studium, ante omnem inquisitionem et consultationem, norunt omnes tutius et solum tutum esse ab his abstinere.*

14 It follows 2° that all books of moral theology are to be prohibited and banished, even the works of SS. Thomas, Bonaventure, Antoninus, etc., as scandalous and inducements into sin, since there is scarcely one author who does not often teach more probable opinions favoring liberty against the safer ones standing for the law.

> *Sequitur 2° prohibendos esse et removendos omnes libros theologiae moralis, etiam opera SS. Thoma, Bonaventura, Antonini, etc., tamquam scandalosos et inductivos in peccatum, cum sit vix unus author qui non saepe doceat opiniones probabiliores faventes libertati, contra tutiores stantes pro lege.*

15 It follows 3° that these holy Doctors and innumerable others distinguished in doctrine and piety gravely sinned by teaching those more probable opinions less safe, and more gravely than those who follow them in practice; because doctrine creeps forth the further, infects the more, and endures the longer.

> *Sequitur 3° hos SS. Doctores et innumeros alios doctrina et pietate insignes graviter peccasse, docendo istas opiniones probabiliores minus tutas, et gravius quam qui illas sequuntur in praxi; quia doctrina magis serpit, plures inficit et diutius permanet.*

16 It follows 4° that the yoke of Christ is aggravated beyond measure and made altogether intolerable, as will appear to one running through the various states and cases.

> *Sequitur 4° ultra modum aggravari jugum Christi et fieri prorsus intolerabile, ut patebit discurrenti per varios status et casus.*

17 *Note*, that almost all the arguments objected, if they avail anything, prove that it is not licit even to follow the most probable opinion: which is condemned. Whence, since they prove too much, they prove nothing.

> Nota, *omnia fere argumenta quae objiciuntur, si quid valeant, probare neque licitum esse sequi opinionem probabilissimam: quod est damnatum. Unde, cum nimium probent, nihil probant.*

18 *Obj.* 1°: St. Thomas, Quodlibet VIII, a. 13, says: « That which is done against the law is always evil, nor is it excused by being according to conscience. » Therefore it is not licit to act according to the more probable opinion; because, if it chance to be against the law, as may happen, the agent sins.

> Obj. *1°: S. Thomas, Quodlibeto VIII, a, 13, dicit: « Illud quod agitur contra legem, semper est malum, nec excusat per hoc quod est secundum conscientiam. » Ergo non est licitum agere secundum opinionem probabiliorem; quia, si contingat esse contra legem, ut potest contingere, peccat agens.*

19 *I answer.* St. Thomas speaks of what is against the law culpably and vincibly ignored, and according to a conscience culpably and vincibly erroneous. So this text is explained by St. Antoninus, Sylvester, Adrian and others commonly, both Thomists and outsiders. « These words of blessed Thomas, » says St. Antoninus in Summa, I p., tit. 3, cap. 10, § 10, after the middle, « cannot be understood except of those things wherein it plainly appears from Scripture or the determination of the Church that it is against the law of God, and not of those wherein it appears not; otherwise he would contradict himself in the same book, which is not to be believed. »

> Resp. *S. Thomam loqui de eo quod est contra legem culpabiliter et vincibiliter ignoratam, et secundum conscientiam culpabiliter et vincibiliter erroneam. Ita hunc textum explicant S. Antoninus, Sylvester, Adrianus et alii communiter, tam Thomistae, quam extranei. « Haec verba B. Thomae, inquit S. Antoninus in Summa, I p., tit. 3, cap. 10, § 10, post medium, non possunt intelligi nisi de his ubi manifeste patet, ex Scripturis vel Ecclesia determinatione, quod sit contra legem Dei, et non de illis ubi non apparet: alias sibi contradiceret in eodem libro, quod non esset credendum. »*

20 *Obj.* 2°: From an opinion merely more probable concerning the objective honesty of an act, there cannot be formed a practical conclusion morally certain of the formal honesty; for the conclusion cannot be more certain than the principle. Therefore.

> Obj. *2°: Ex opinione tantum probabiliori de honestate objectiva actus, non potest formari conclusio practica moraliter certa de honestate formali; non enim potest conclusio esse certior principio. Ergo.*

21 *I answer* 1°. I retort the argument. From an opinion merely most probable there cannot be formed a practically certain conclusion,

> Resp. *1°. Retorqueo argumentum. Ex opinione tantum probabilissima non potest formari conclusio practice certa,*

22 Therefore. — *I answer* 2°. I distinguish the antecedent. From an opinion merely more probable there cannot be formed immediately a practically certain conclusion — grant it; mediately — I deny it. For the more probable opinion concerning the objective honesty of an act being posited, the agent, by means of a reflex judgment morally certain which has that more probable opinion for its object,

forms a practical dictamen morally certain, in the manner already stated in the proofs, namely: He does not sin formally who does what he prudently judges to be objectively licit. But he who acts according to the opinion solidly more probable does what he prudently judges to be objectively licit. Therefore he sins not. — The major is physically certain. — The minor is morally certain.

> *Ergo.* — Resp. 2°. *Dist. ant. Ex opinione tantum probabiliori non potest immediate formari conclusio practice certa, conc.; mediate, nego. Posita enim opinione probabiliori de honestate objectiva actus, agens, mediante judicio reflexo moraliter certo quod ipsam opinionem probabiliorem habet pro objecto, format dictamen practicum moraliter certum, eo modo quo dictum est in probationibus, scilicet: Ille non peccat formaliter, qui facit quod prudenter judicat esse objective licitum. Atqui qui agit secundum opinionem solide probabiliorem, facit quod prudenter judicat esse objective licitum. Ergo non peccat. — Major est physice certa. — Minor est moraliter certa.*

23 *You will insist* 1°: Tutiorists, and those who stand for the most probable opinion, deny the minor of this reflex judgment. Therefore it is not morally certain.

> Inst. *1°: Tutioristae, et qui stant pro opinione probabilissima, negant minorem hujus judicii reflexi. Ergo non est moraliter certa.*

24 *I answer* 1°. I retort the argument. Tutiorists deny the minor of a similar reflex judgment where the question is of the most probable opinion. Therefore that minor is not morally certain. Therefore it is not licit to follow the most probable opinion; which is condemned.

> Resp. *1°. Retorqueo argumentum. Tutioristae negant minorem similis judicii reflexi ubi agitur de opinione probabilissima. Ergo ista minor non est moraliter certa. Ergo non licet sequi opinionem probabilissimam; quod est damnatum.*

25 *I answer* 2°. I distinguish the antecedent. Tutiorists, and those who stand for the most probable opinion, deny the minor of this reflex judgment, and they are exceedingly few in comparison with those who affirm it, and deny it unfoundedly — grant the antecedent; and they are comparatively more numerous, and deny it foundedly — I deny the antecedent: especially since all things whatsoever they urge against probabiliorism fight equally against the most probable, as is plain from what has been said, and nevertheless it remains certain that it is licit to follow the most probable. Whence their denial takes away nothing of the moral certainty of this minor; for as Cajetan rightly observes, s. v. *Opinione uti*, n. 4, « a thing is not held by opinion [he understands opinion properly so called, which is held with founded fear of the opposite side] because divers doctors illustrate

> Resp. 2°. *Dist. ant. Tutioristae, et qui stant pro opinione probabilissima, negant minorem hujus judicii reflexi, et hi sunt admodum pauci comparative ad eos qui affirmant, et infundate negant, conc. ant.; et hi sunt comparative plures et fundate negant, nego ant.: praesertim cum omnia quae opponunt contra probabiliorismum, militent pariter contra probabilissimum, ut patet ex jam dictis, et nihilominus certum manet, licitum esse sequi probabilissimum. Unde ex eorum negatione non tollitur certitudo moralis hujus minoris; ut enim recte advertit Cajetanus, verbo* Opinione uti, *n. 4, « non propterea aliquid opinione tenetur [intelligit opinionem proprie dictam, quae sit cum formidine fundata partis oppositae], quia diversi doctores illustrant*

26 [1]

[1] Attention must be given to the use of reflex principles, which Billuart here affirms to be legitimate. By this method will be proved below the truth of today's probabilism.

> *1*

[1] *Attendendum est ad usum principiorum reflexorum, quem hic Billuart affirmat legitimum. Hac methodo probabitur infra veritas probabilismi hodierni.*

27 and hold contrary sentiments; for alongside such contrariety there can stand that one side is supported by sufficient reason unto moral certainty, and it is then no longer opinion with those who grasp that reason; but because many know not how to discern between moral and mathematical certainty, they somehow place everything under opinion. »

contraria sentiunt, quoniam cum hujusmodi contrarietate stat quod una pars sit ratione sufficiente ad moralem certitudinem fulta, et jam non est opinio apud capientes illam rationem; sed, quia nesciunt multi discernere inter certitudinem moralem et mathematicam, omnia quodammodo locant sub opinione. »

28 *You will insist* 2°: This reflex judgment does not take away the probable danger of acting against the law, since what is more probable may be false. Therefore.

Inst. *2°: Istud judicium reflexum non tollit periculum probabile agendi contra legem, cum probabilius possit esse falsum. Ergo.*

29 *I answer.* 1° I retort the argument against the most probable opinion. 2° I distinguish the antecedent. It does not take away the danger of acting formally against the law — I deny it; of acting materially against the law — I subdistinguish. It does not take away the danger which a prudent man ought to despise — grant it; which a prudent man ought not to despise — I deny it.

Resp. *1° Retorqueo argumentum contra probabilissimum. 2° Dist. ant. Non tollit periculum agendi formaliter contra legem, nego; agendi materialiter contra legem, subdistinguo. Non tollit periculum quod a viro prudenti contemni debet, conc.; quod a viro prudenti non debet contemni, nego.*

Various little questions on the present matter briefly resolved

1 *You will ask* 1° how great, in the less safe opinion, the excess of probability must be, that it may be lawful to follow it.

Petes *1° quantus debeat esse, in opinione minus tuta, probabilitatis excessus, ut liceat illam sequi.*

2 *I answer.* It is not required that it be the most probable, nor does any light excess in probability suffice; but a notable and morally grave one is required.

Resp. *Non requiritur quod sit probabilissima, nec sufficit quicumque levis excessus in probabilitate; sed requiritur notabilis et moraliter gravis.*

3 The reason of the first part is : 1° Because he who follows the more probable acts prudently, as was proved. Therefore this suffices, nor is the most probable required. 2° Because if the most probable were required, it would be so, according to its patrons, in order that no probable danger of sin remain. But then it would cease to be most probable and would become morally certain, and thus it would never be lawful to follow the most probable among probable opinions; which is rejected. Therefore. 3° Nothing is opposed against a more probable opinion which cannot be opposed against the most probable, as appears from what has been said. But this notwithstanding, the most probable suffices. Therefore also the more probable. 3° The contrary opinion would furnish occasion for continuous scruples and anxieties, since it could scarcely be discerned when an opinion would be the most probable, unless perhaps by most probable they understand gravely more probable.

Ratio prima partis est: 1° Quia qui sequitur probabiliorem, prudenter agit, ut probatum est. Ergo ea sufficit, nec requiritur probabilissima. 2° Quia, si requireretur probabilissima, ideo esset, secundum suos patronos, ut non remaneret periculum probabile peccati. Atqui tunc desineret esse probabilissima et fieret moraliter certa, sicque nunquam liceret sequi inter probabiles probabilissimam; quod est reprobatum. Ergo. 3° Nihil opponitur contra probabiliorem, quod non possit opponi contra probabilissimam, ut patet ex dictis. Atqui, hoc non obstante, sufficit probabilissima. Ergo et probabilior. 3° Contraria sententia praeberet occasionem continuis scrupulis et anxietatibus, cum vix dignosci posset quandonam opinio foret probabilissima, nisi forte per probabilissimam intelligant graviter probabiliorem.

4 The reason of the second part is, because such and so great must be the excess that, morally speaking, it shake off doubt and move a grave and prudent man to assent to it rather than to the other. But, morally speaking, any thin and light excess does not suffice for this; little indeed is reckoned as nothing in moral matters. Therefore.

Ratio secundae partis est, quia talis ac tantus debet esse excessus, ut, moraliter loquendo, excutiat dubium, et moveat virum gravem atque prudentem, ut assentiatur illi potius quam alteri. Atqui, moraliter loquendo, ad id non sufficit quivis tenuis et levis excessus; parum enim in moralibus pro nihilo reputatur. Ergo.

5 *You will ask* 2° how a confessor, or a learned man consulted about the liceity or illicitness of some action, v. g., whether a triple contract be licit, ought to answer the consulter.

Petes 2° *quomodo confessarius aut vir doctus consultus super licitate aut illicitate alicujus actionis, v. g., an contractus triplex sit licitus, debeat respondere consulenti.*

6 *I answer.* He cannot answer according to the less probable opinion, whether less safe or safer; because either he would say licit what he himself judges more probably illicit, or he would say illicit what he himself judges more probably licit; and thus he would lead the consulter into doing what he himself, being consulted, judges evil, or into abstaining from what he judges good, and would therefore deceive the consulter on either side, either too much relaxing or too much straitening his conscience.

Resp. *Non potest respondere secundum opinionem minus probabilem, sive minus tutam, sive tutiorem; quia, vel diceret licitum quod ipse probabilius judicat illicitum, vel diceret illicitum quod ipse probabilius judicat licitum; sicque induceret consultantem ad faciendum id quod ipse consultus judicat esse malum, vel ad abstinendum ab eo quod judicat bonum, ipsumque ideo consultantem utrinque deciperet, vel nimis laxando, vel nimis coarctando ejus conscientiam.*

7 He must therefore answer according to the more probable opinion which he holds, yet not always simply and absolutely. For if the opposite opinion also be truly probable and be upheld by many learned men as more probable, and a loss to a third party be at stake, suppose because restitution to be made or a contract to be entered upon is in question; he ought to answer that he himself feels more probably thus for such and such reasons, yet that there are not lacking learned and grave men who hold the opposite, whom he can approach, and that he choose before God what will be more probable to him. The reason is, because if he answered simply and absolutely according to the opinion more probable to himself, he would expose the consulter to danger, namely of restoring what he ought not restore, or of not restoring what he ought restore, or of entering a contract harmful to another, or of abstaining from a contract profitable to himself.

Debet ergo respondere secundum probabiliorem sententiam quam tenet, non tamen semper simpliciter et absolute. Si enim opposita sententia sit etiam vere probabilis et a pluribus viris doctis sustineatur ut probabilior, pericliteturque damnum tertii, puta quia agitur de restitutione facienda aut contractu ineundo; respondere debet se ita probabilius

sentire propter tales et tales rationes, non deesse tamen viros doctos et graves qui oppositum sentiunt, quos potest adire, et eligere coram Deo quod ipsi erit probabilius. Ratio est, quia, si responderet simpliciter et absolute secundum sententiam sibi probabiliorem, exponeret consulentem periculo, puta restituendi quod non debet restituere, vel non restituendi quod debet restituere, vel ineundi contractum alteri nocivum, aut abstinendi a contractu sibi proficuo.

8 *You will ask* 3° whether a confessor can and ought to absolve a penitent resisting his opinion.

Petes *3° utrum confessarius possit et debeat absolvere poenitentem reluctantem suae opinioni.*

9 *I answer.* 1° If the opinion of the penitent be certainly less probable, and he acknowledge it as such, and wish to follow it, the confessor ought to deny him absolution, as indisposed, even though he say he is a probabilist[1]. This is clear from what was said in art. 1.

1 We shall say below that, if the opinion favoring liberty be not so much less probable than the opposite as to appear only lightly probable, and for that reason a prudent man cannot embrace it, it may be followed, because it is truly and solidly probable, and he who acts according to it does not act imprudently.

Resp. *1° Si opinio poenitentis sit certo minus probabilis, et eam ut talem agnoscat ponitens, velitque illam sequi, debet confessarius illi denegare absolutionem, tamquam indisposito, etiamsi dicat se esse probabilistam[1]. Patet ex dictis art. 1.*

1 Dicemus infra quod, si sententia favens libertati non sit ita minus probabilis ac opposita, ut leviter tantum probabilis appareat et ideo eam vir prudens eam amplecti non possit, licet eam sequi, quia est vere et solide probabilis, et qui secundum eam agit, non imprudenter agit.

10 2° If the opinion of the penitent be singular, supported by no solid reason and scarcely championed by anyone of weight, however much the penitent from pertinacy esteem it more probable, the confessor ought to instruct him concerning the improbability of his opinion, and if he will not acquiesce, to dismiss him unabsolved; because he who irrationally and out of pertinacy adheres to an improbable opinion is not sufficiently disposed.

2° Si opinio poenitentis sit singularis, nulla ratione solida fulta et vix a quoquam alicujus ponderis propugnata, quantumvis poenitens ex pertinacia reputet probabiliorem, debet confessarius ipsum instruere de improbabilitate suae opinionis, et si nolit acquiescere, ipsum dimittere inabsolutum; quia irrationabiliter et ex pertinacia adhaerens opinioni improbabili, non est sufficienter dispositus.

11 3° Finally, if the opinion of the penitent, which he believes more probable, be truly solidly probable and championed by many grave and learned men as more probable, a distinction must be made. Either by following it the validity of the sacrament is imperiled, as if the penitent judge it more probable that merely timid attrition suffices, and approach otherwise undisposed; unless he abandon it, he ought not be absolved, because by his own judgment he exposes the sacrament to nullity[2]. Or by following it the value of the sacrament is not imperiled, suppose if he judge it more probable that he is not bound to restitution in such a case, or to abstain from such a contract; even if he will not acquiesce with the confessor, and be otherwise disposed, he ought to be left in his opinion and absolved; because 1° in an equal cause the confessor ought not flatter himself, nor believe that he holds the key of knowledge, as if he alone knew all things and alone saw, while others who hold the opposite are blind and in a state of damnation; 2° because the penitent, after he has declared his sins and is otherwise disposed, has a right to absolution, which the confessor cannot deny him without injury, nor judge him indisposed because he adheres to an opinion well founded as more probable for himself, since acting according to it he does not sin. Therefore.

2 This case is outside the question.

> *3° Tandem, si opinio poenitentis, quam credit probabiliorem, sit revera solide probabilis et a pluribus gravibus et doctis viris ut probabilior propugnata, distinguendum est. Vel secundum illam periclitatur validitas sacramenti, ut si poenitens existimet probabilius attritionem mere formidolosam sufficere, nec aliter dispositus accedat; nisi eam deserat, non debet absolvi, quia proprio judicio exponit sacramentum nullitati*[2]*. Vel secundum eam non periclitatur valor sacramenti, puta si probabilius existimet se in tali casu non teneri ad restituendum, aut a tali contractu abstinendum; etiam si nolit acquiescere confessario, et sit aliunde dispositus, debet in sua opinione relinqui et absolvi; quia 1° in pari causa, non debet sibi blandiri confessarius, nec credere se habere clavem scientiae, quasi ipse cuncta sciat et solus videat, alii autem qui oppositum sentiunt sint caeci et in statu damnationis; 2° quia poenitens, postquam declaravit sua peccata et aliunde est dispositus, habet jus ad absolutionem, quam non potest illi absque injuria denegare confessarius, nec illum judicare indispositum quia adhaeret sententiae sibi fundate probabiliori, cum, secundum illam agens, non peccet. Ergo.*
>
> [2] *Hic casus est extra quaestionem.*

12 *You will ask* 4° whether it is lawful for everyone to follow the opinion which he esteems at first sight more probable.

> Petes *4° utrum unicuique liceat sequi opinionem quam primo aspectu existimat probabiliorem.*

13 *I answer.* No one can lawfully follow except that opinion which, after sufficient diligence applied, proportioned to the quality of the thing, the condition of the person and the opportunity of time, he sincerely judges before God more probable; because otherwise he would act imprudently and rashly, voluntarily exposing himself to the danger of acting against the law.

> Resp. *Nemo potest licite sequi nisi eam opinionem quam, post adhibitam, pro qualitate rei, conditione personae et temporis opportunitate, sufficientem diligentiam, sincere coram Deo judicat probabiliorem; quia alioquin imprudenter et temere ageret, exponendo se voluntarie periculo agendi contra legem.*

14 But what diligence is to be esteemed sufficient? Although no certain general rule can be given, nevertheless according as it more commonly happens I propose the following:

> *Qua autem diligentia censeatur sufficiens? Quamvis non possit dari regula generalis certa, secundum tamen quod communius contingit, sequentia propono:*

15 The unlettered may esteem as more probable and safely follow the opinion or counsel of their pastor or confessor who is held a prudent and learned man, or of another man equally prudent and learned; because they have nothing better they can do. But if they consult two of equal weight contradicting each other, let them choose the safer.

> *Illitterati possunt reputare probabiliorem et tuto sequi sententiam seu consilium sui pastoris vel confessarii qui habetur vir prudens et doctus, aut alterius viri pariter prudentis et docti; quia illi nihil melius habent quod faciant. Quod si duos consulant aequalis ponderis sibi contradicentes, tutius eligant.*

16 The half-learned should consult those more learned, suspect neither of excessive rigor nor of excessive laxity, or should peruse books in which, when they find an opinion unanimously asserted by authors, and the opposite passed over in silence or rejected with one mouth, they may follow it as more probable. If they read an author confessing that the common opinion is opposed to his own less safe one, let them follow the common; because those half-learned cannot of themselves weigh the force of reasons, and can scarcely follow any other rule than that of authority. If the grave author whom they read says two contradictory opinions are equally probable, let them follow the safer; if the less safe be more probable, they may follow it.

Semi-docti consulant doctiores neque nimii rigoris neque nimiae laxitatis suspectos, aut libros evolvant in quibus dum reperiunt opinionem unanimiter assertam ab authoribus, et oppositam aut silentio praeteriri aut uno ore rejici, possunt illam sequi ut probabiliorem. Si legant authorem fatentem sententiam suae minus tutae oppositam esse communem, hanc sequantur; quia illi semi-docti per se non possunt momenta rationum perpendere, et vix aliam possunt regulam sequi quam authoritatis. Si author gravis quem legunt dicat duas opiniones contradictorias esse aeque probabiles, sequantur tutiorem; si minus tutam esse probabiliorem, possunt illam sequi.

17 Finally, learned men should hold as more probable, and persuade others as such, that opinion which, passions and prejudices set aside, but the moments of the reasons on this side and that maturely weighed, and the gravity and weight of authors pro and con attended to, they sincerely judge such before God.

Tandem viri docti eam opinionem habeant probabiorem, et aliis ut talem suadeant, quam, semotis passionibus et praejudiciis, sed mature perpensis rationum hinc et inde momentis, et attenta authorum pro et contra gravitate et pondere, sincere coram Deo judicant talem.

18 **PRINCIPLES**

PRINCIPIA

19 1° Among the moral virtues prudence holds the principal place; for it is at once the head and, as St. Thomas says, the « complement »[1] of all the others, directing them that they be exercised within the limits of good and right. Whence, unless man acts prudently, he does not act rightly. Moreover, as long as he is anguished in a practical doubt concerning the honesty of an action to be posited here and now, he does not act licitly unless the doubt be shaken off, that is, unless he determine himself under the guidance of prudence, by which, as the same Angelic Doctor says, « according to its essence it is an intellectual virtue, but according to its matter it accords with the moral virtues; for it is right reason of things to be done »[2]. For « it pertains to prudence not only the consideration of reason, but also the application to work, which is the end of practical reason »[3]. Therefore the whole question of probability is reduced to one point, namely whether, when the law is doubtful, that is, only probably existing, the agent acting prudently can embrace and follow the opinion favoring liberty.

1 IIa IIae, q. 166, a. 2, ad 1.

2 Ia IIae, q. 58, a. 3, ad 1.

3 IIa IIae, q. 47, a. 3, ad 1.

1° Inter virtutes morales praecipuum locum tenet prudentia; nam simul est caput et, ut dicit S. Thomas, « complementum »[1] omnium aliarum, eas dirigens ut intra fines boni et recti exerceantur. Unde, nisi homo prudenter agat, recte non agit. Porro, quamdiu dubio practico practico de honestate actionis hic et nunc ponendae angitur, non licite agit, nisi dubium excutiatur, id est nisi se determinet duce prudentia, qua, ut ait idem Angelicus, « secundum essentiam suam est intellectualis virtus, sed secundum materiam convenit eum virtutibus moralibus; est enim recta ratio agibilium »[2]. Etenim « ad prudentiam pertinet, non solum consideratio rationis, sed etiam applicatio ad opus, quae est finis practicae rationis »[3]. Ergo tota quaestio probabilitatis ad unum reducitur, an scilicet, cum lex est dubia, id est probabiliter tantum existens, agens prudenter amplecti et sequi possit opinionem libertati faventem.

1 2a 2ae, q. 166, a. 2, ad 1.

2 Ia 2ae, q. 58, a. 3, ad 1.

3 2a 2ae, q. 47, a. 3, ad 1.

20 2° Moreover no one acts prudently unless he be morally certain of the honesty of his action; for the Apostle says, *Rom.*, XIV, 23 : *All that is not of faith*, that is, of firm and founded persuasion of the legitimacy of the action, *is sin.* Here there is not treated of objective certitude, which cannot be obtained when the action is only probably commanded or forbidden, because then the morality of the very action is doubtful. There is required therefore subjective certitude. And this certitude cannot be metaphysical in practical things, in which are applied only remote conclusions of principles speculative and known through themselves.

> *2° Porro nemo prudenter agit, nisi moraliter certus sit de honestate actionis suae; nam Apostolus dicit,* Rom.*, XIV, 23:* Omne quod non est ex fide*, id est ex persuasione firma et fundata legitimitatis actionis,* peccatum est. *Non agitur hic de certitudine objectiva, quae obtineri nequit cum actio probabiliter tantum praecipitur vel prohibetur, quia tunc ipsius actionis moralitas est dubia. Requiritur ergo certitudo subjectiva. Et haec certitudo non potest esse metaphysica in rebus practicis, in quibus applicantur tantum remotae conclusiones principiorum speculativorum per se notorum.*

21 There suffices therefore moral certitude, to which alone belongs the order in which it is required. There must be asked therefore whether the agent can be morally certain of the honesty of his action, omitting the doubtful or probable law and following the opinion favoring liberty.

> *Sufficit ergo certitudo moralis, qua sola competit ordini in quo requiritur. Quaerendum est ergo an agens possit esse moraliter certus de honestate actionis suae, cum legem dubiam seu probabilem praetermittens, sequitur opinionem libertati faventem.*

22 3° From thence it must be concluded that probability alone does not of itself confer the right of acting against a doubtful law. For if the honesty of the action is only probable, it remains doubtful, and since the action is to be posited here and now, the agent is constituted in practical doubt, in which it is not lawful to act unless the safer part be preferred, because he who does not act from faith has no moral certitude of the honesty of his action, and knowingly and voluntarily commits himself to the danger of sinning, and by that very fact sins formally, even though the matter of sin be not actually present. For he is not led by the virtue of prudence, which, as we said, is « right reason of things to be done. » It is necessary therefore that, in this case, conscience be formed and made certain from some principle taken outside probability itself, by which it is demonstrated that it is practically licit to act against a doubtful law.

> *3° Inde concludendum est, solam probabilitatem non per se conferre jus agendi contra legem dubiam. Si enim honestas actionis est tantum probabilis, remanet dubia, et cum actio sit hic et nunc ponenda, agens constituitur in dubio practico, in quo non licet agere, nisi pars tutior praeferatur, quia qui non agit ex fide, non habet certitudinem moralem de honestate actionis suae, et scienter et voluntarie se committit periculo peccandi, et eo ipso peccat formaliter, etiamsi materia peccati reapse non adsit. Non ducitur enim virtute prudentiae, quae, sicut diximus, est « recta ratio agibilium. » Necesse est ergo ut, in hoc casu, conscientia formetur et certa fiat ex aliquo principio extra probabilitatem ipsam sumpto, quo demonstretur licitum esse practice contra legem dubiam agere.*

23 From this it follows that that principle invoked by certain probabilists does not suffice : « He who acts probably acts prudently. » For if it be taken nakedly and in itself, it is deservedly attacked by the adversaries, because from such probability there cannot of itself follow anything except the probability of the honesty of the action, which cannot render conscience morally certain. But that it be admitted, it must be understood in this sense, that one acts probably legitimately when the probability affects only the obligation of the doubtful law, and conscience is rendered certain elsewhere concerning the honesty of the action.

Ex hoc sequitur, non sufficere illud principium a quibusdam probabilistis invocatum : « Qui probabiliter agit, prudenter agit. » Si enim nude et in seipso sumatur, merito ab adversariis impugnatur, quia ex tali probabilitate sequi non potest per se nisi probabilitas honestatis actionis, quae conscientiam non potest moraliter certam efficere. Ut vero admittatur, intelligendum est in hoc sensu, quod legitime probabiliter agitur, cum probabilitas obligationem legis dubiae tantum afficit, et conscientia aliunde certa redditur de honestate actionis.

24 4° From these things it is clear that the principles by which conscience is formed in practice must be sought outside the practical case; for if they could be drawn directly from the very question, the doubt would vanish and certitude occupy the place of probability. These principles, now perspicuous in themselves, or demonstrated and admitted, project into the doubtful case their own proper light, which is reflected from thence toward the intellect of the agent, so that the moral obscurity called a practical doubt is wholly dissipated, although the thing itself objectively do not yet become clear.

4° Ex his patet, principia quibus formetur practice conscientia, extra casum practicum esse quaerenda; nam, si ex ipsa quaestione directe erui possent, dubium evanesceret et certitudo locum probabilitatis occuparet. Haec principia, jam per se perspicua, vel demonstrata et admissa, projiciunt in casum dubium lumen suum proprium, quod inde versus intellectum agentis reflectitur, ita ut obscuritas moralis quae dubium practicum vocatur penitus dissipetur, etsi res ipsa objective nondum clarescat.

On Moderate Probabilism

1 as the sun illuminates by its rays things previously obscure to us, which become visible when those rays are reflected back to us. And for this reason principles of this kind are rightly called reflex. In this therefore consists the efficacy of these very principles, that, since the existence of some law can be affirmed only probably, and by that very fact the obligation of observing such a law remains doubtful, from the aforesaid principles it is pronounced whether one acting against a doubtful law can act licitly, or whether he is bound to observe it.

sicut sol radiis suis illuminat res quae antea nobis obscura, his radiis ad nos repercussis visibiles fiunt. Et propter hoc hujusmodi principia recte vocantur reflexa. In hoc ergo consistit efficacia horumce principiorum, quod, cum existentia alicujus legis nonnisi probabiliter affirmari potest, et eo ipso obligatio talem legem observandi dubia remanet, ex principiis praedictis pronuntiatur an agens contra legem dubiam licite agere possit, an vero teneatur eam observare.

2 That 5° reflex principles are necessary for solving the practical doubts here treated of is demonstrated from the very fact itself. For whatever opinion prevail in the present matter, immediately some reflex principle intervenes. Tutiorists, as well as probabilists, are compelled to concede that a doubtful law as such does not oblige, that is, in reason of the doubt itself, because doubt is a negative thing, from which nothing positive, such as obligation, can arise. On either side therefore recourse is had to some external principle, for determining what is practically to be decided. Tutiorists, affirming obligation in every doubt, lean upon this reflex principle : « In doubt the safer part must be followed. » Probabilists, who deny obligation, since the opinion opposed to the law is truly and solidly probable, place among the reflex principles they allege this principal one : « A doubtful law does not oblige. » Therefore in the present question some reflex principle necessarily intervenes.]

5° Principia reflexa necessaria esse ad solvenda dubia practica de quibus hic agitur, ex facto ipso demonstratur. Etenim, quaevis opinio in praesenti materia praevaleat, statim aliquod principium reflexum intercedit. Tutioristae, sicut et probabilistae, concedere coguntur legem dubiam ut talem non obligare, id est ratione ipsius dubii, quia dubium est quid

negativum, ex quo oriri nequit aliquid positivum, qualis est obligatio. Ex utraque parte ergo recurritur ad aliquod principium extrinsecum, ad statuendum quid practice sit determinandum. Tutioristae, in quovis dubio obligationem affirmantes, hoc principio reflexo innituntur : « In dubio pars tutior est sequenda. » Probabilistae, qui negant obligationem, cum sententia legi opposita est vere et solide probabilis, inter principia reflexa quae allegant hoc precipuum ponunt : « Lex dubia non obligat. » Ergo in praesenti quaestione aliquod principium reflexum necessario intervenit.]

On the nature of probability

1 [Since in the present question we treat of the value of probable opinion relative to conscience, in practical matters, it must first be said what opinion is, and then what probability is and in how many ways it is diversified.

[Cum agatur in praesenti quaestione de valore opinionis probabilis relative ad conscientiam, in rebus practicis, primum dicendum est quid sit opinio, deinde quid et quotuplex probabilitas.

2 Opinion in general is assent to one or the other of two propositions, or adherence to one or the other of two contradictories, with fear of the other. It excludes certainty, which so clearly manifests a thing that the opposite appears not merely doubtful, but impossible.

Opinio in genere est assensus in alterutram propositionem, seu adhaesio alterutri e duobus contradictoriis, cum formidine alterius. Excludit certitudinem, quae rem ita clare manifestat, ut oppositum appareat, non tantum dubium, sed impossibile.

3 Probability is the likelihood which, according as it is greater or less, draws the assent of the mind more or less toward one of two contradictories. Hence a probable opinion or sentiment is a judgment resting upon a weighty motive or foundation, though with fear of the opposite. An improbable opinion, however, is a judgment destitute of a solid motive. Whence it seems that opinion, so long as it does not exceed the limits of probability, however probable it be, does not altogether destroy the likelihood of the contradictory proposition, but only weakens it, according to the solidity of the foundation on which it itself rests.

Probabilitas est verisimilitudo quae, prout est major vel minor, magis vel minus trahit assensum mentis in unum e duobus contradictoriis. Ideo opinio seu sententia probabilis est judicium innixum motivo seu fundamento gravi, licet cum formidine de opposito. Opinio vero improbabilis est judicium motivo solido destitutum. Unde videtur opinionem, quamdiu fines probabilitatis non excedit, quantumvis probabilis sit, non omnino destruere verisimilitudinem propositionis contradictoriae, sed eam tantum extenuare, pro soliditate fundamenti quo ipsa nititur.

4 Probability is distinguished in many ways:

Probabilitas multipliciter distinguitur :

5 1° It is intrinsic, when the reasons establishing it are sought from the very nature, properties, causes and effects of the thing, and also from the inconveniences of the opposite side. It is extrinsic, when it rests upon the authority of weighty doctors who deservedly consent that this sentiment should be held on account of solid reasons, even if those reasons have not been weighed in themselves.

1° Est intrinseca, quando rationes eam statuentes petuntur ex ipsius rei natura, proprietatibus, causis, effectibus, et etiam ex inconvenientibus partis oppositae. Est extrinseca, cum nititur authoritate doctorum gravium, qui hanc sententiam merito consentur tenere propter rationes solidas, etsi rationes istae non fuerint in se trutinata.

6 2° It is of law or of fact, according as it turns upon the existence of a right or law and its application, or upon some fact.

> *2° Est juris vel facti, prout circa juris aut legis existentiam et ejus applicationem, vel circa aliquod factum versatur.*

7 3° It is speculative or practical, according as it regards the question in itself, abstracting from every act here and now to be posited, or an act to be posited presently.

> *3° Est speculativa vel practica, secundum quod quaestionem in se, abstrahendo ab omni actu hic et nunc ponendo, vel actum proxime ponendum respicit.*

8 4° It is absolute, if on account of the validity of its reasons it is admitted by all or by most; or relative, when only one man or a few are determined by arguments that do not draw common assent.

> *4° Est absoluta, si propter validitatem rationum ab omnibus vel plerisque admittatur, vel relativa, cum unus tantum vel pauci determinantur argumentis quae communem assensum non trahunt.*

9 5° It is solitary or comparative, according as such it appears in itself, without any relation to another, or its reasons are compared with the arguments which contend for the contradictory proposition.

> *5° Est solitaria vel comparativa, prout talis apparet in se, absque ulla relatione ad aliam, vel ejus rationes cum argumentis quae pugnant pro contradictoria propositione comparantur.*

10 6° Comparative probability is divided by degrees into greater, less and equal: that is, a certain proposition is more probable, or equally or less probable than its opposite, according as it rests upon stronger reasons, or upon reasons equally or less strong.

> *6° Probabilitas comparativa dividitur per gradus in majorem, minorem et aequalem : id est, propositio quaedam est probabilior, vel aeque aut minus probabilis quam opposita, prout nititur rationibus solidioribus, vel aeque aut minus solidis.*

11 7° A more probable opinion also admits of degree; for an opinion is more probable, or notably preponderant, when the reasons of the sentiment preponderate; a little or notably more probable than its adversary, when

> *7° Opinio probabilior gradus etiam admittit; est enim probabilior, vel notabiliter praeponderans, quando rationes sententiae contradictoriae praeponderant. paulo vel notabiliter probabilior quam adversa, quando*

12 8° Most probable likewise is the opinion which rests upon a most weighty foundation. Then the opposite is slightly or doubtfully probable.

> *8° Probabilissima etiam est opinio quae gravissimo fundamento nititur. Tunc opposita est tenuiter vel dubie probabilis.*

13 9° Moreover, a probable opinion is safe, or safer, or less safe, according as it simply favors the law, or favors it more or less than does its adversary. Therefore a more probable sentiment is not necessarily safer, since a greater probability can also stand for liberty.]

> *9° Insuper opinio probabilis est tuta, vel tutior, vel minus tuta, secundum quod simpliciter favet legi, vel eidem magis vel minus favet quam adversa. Igitur sententia probabilior non est necessario tutior, siquidem probabilitas major etiam pro libertate stare potest.]*

What systems have arisen concerning probability in practical matters?

1 [From the distinctions prefixed it is plain that probability is here understood by us insofar as it affects, not the intellect in speculative matters, but conscience in things to be done. Moreover actions are determined and imposed by law. Law, therefore, as it ought here to be considered, is the will of a superior concerning what he wills or wills not to be done, made manifest to the subject. If the law be altogether and invincibly unknown through defect of promulgation or of cognition, the action repugnant to it is called material sin, or matter of sin; but if the law be known, or vincibly and culpably ignored by the agent acting against it, the sin is formal, because the will of the inferior contradicts the will of the superior, and thus is inordinate and evil. It happens however not rarely that the subject can neither affirm nor deny the existence of the law, opposite arguments contending for it and against it. Then the law is merely probable or doubtful; and since obligation is an effect of law, the question is raised whether the subject is then held to obey such a law, or is immune from it.

> *[Ex distinctionibus praefixis patet, probabilitatem a nobis hic intelligi secundum quod afficit, non intellectum in speculativis, sed conscientiam in agendis. Porro agenda determinantur et imponuntur a lege. Lex ergo, ut hic considerari debet, est voluntas superioris de eo quod vult aut non vult fieri, manifestata subdito. Si lex prorsus et invincibiliter ignoretur ex defectu promulgationis vel cognitionis, actio ei repugnans dicitur peccatum materiale, seu materia peccati; si vero lex sit cognita, vel vincibiliter et culpabiliter ignoretur ab agente contra eam, peccatum est formale, quia voluntas inferioris voluntati superioris contradicit, et sic est inordinata et mala. Accidit autem non raro subditum nec affirmare nec negare posse existentiam legis, cum argumenta opposita pro ea et contra eam pugnent. Tune lex est tantum probabilis seu dubia, et cum obligatio sit effectus legis, quaeritur an tune subditus tali legi obedire teneatur, vel ab ea sit immunis.*

2 We must therefore treat solely, in the present question, of the licit or illicit alone, that is, of the honesty of an action against a probable or doubtful law posited. This must always be held before the eyes in this dissertation, lest certain confusions be incurred which would render the matter inextricable, and of which there will be mention below.

> *Agendum est ergo unice, in praesenti quaestione, de solo licito vel illicito, id est de honestate actionis contra legem probabilem aut dubiam posita. Hoc semper prae oculis est habendum in haec dissertatio, ut vitentur confusiones quaedam quae rem inextricabilem redderent, et de quibus sermo erit infra.*

3 The systems which have issued concerning probability can be reduced to three heads, namely tutiorism, probabiliorism and probabilism. — There can be added a certain system lately arisen under the name of compensative probabilism.

> *Ad tria capita reduci possunt systemata quae prodierunt circa probabilitatem, nempe ad tutiorismum, probabiliorismum et probabilismum. — Addi potest systema quoddam recenter ortum sub nomine probabilismi compensativi.*

4 1° Rigid or absolute tutiorists are those who, in the conflict of two opinions whereof one favors the law and the other liberty, will that the side of the law always be embraced, professing this principle: « In doubt the safer side is to be followed. » From this doctrine it follows that even a most probable opinion favoring liberty cannot safely, that is licitly, in practice be preferred. And in truth many of the Jansenian sect, with Nicolaus for leader, required in every case moral certainty of the honesty of the action, that conscience be unhurt. But when Alexander VIII had condemned the following proposition: « It is not licit to follow the opinion, even though most probable among probables, » several, withdrawing from their pristine rigor that they might avoid the pontifical censure, conceded it licit to follow an opinion against the law provided it be most probable, because then the action is

most probably honest, and as such opposed to no rules of prudence. These later tutiorists are called benign.

> *1° Tutioristae rigidi seu absoluti ii sunt qui, in conflictu duarum opinionum quarum una legi et altera libertati favet, volunt partem legis semper esse amplectendam, hoc principium profitentes : « In dubio pars tutior est sequenda. » Ex hac doctrina sequitur, sententiam etiam probabilissimam libertati faventem non posse tuto, id est licite, practice praeferri. Et revera multi ex secta Janseniana, duce Nicolio, exigebant in omni casu certitudinem moralem honestatis actionis, ut conscientia sit illaesa. Cum vero Alexander VIII damnasset sequentem propositionem : « Non licet sequi opinionem vel inter probabiles probabilissimam, » plures a pristina rigiditate recedentes, ut censuram pontificiam declinarent, concesserunt licere sequi opinionem contra legem, modo sit probabilissima, quia tunc actio est probabilissime honesta, et ut talis regulis prudentiae non opposita. Hi posteriores tutioristae benigni vocantur.*

5 2° Probabiliorists hold it licit to follow the less safe opinion, provided it be truly, that is notably, more probable. If the opinion favoring liberty be only lightly more probable, they permit it not to be preferred, because, say they, in morals little is reputed as nothing. Of the truth of this system our Billuart above endeavored to give demonstration.

> *2° Probabilioristae tenent, licitum esse sequi opinionem minus tutam, dummodo sit vere, id est notabiliter probabilior. Si sententia libertati favens sit leviter tantum probabilior, non permittunt eam praeferre, quia, inquiunt, in moralibus parum pro nihilo reputatur. Hujus systematis veritatem noster Billuart supra demonstrare conatus est.*

6 3° Probabilists teach it licit to follow the less safe opinion although it be not notably more probable. They are divided into three classes: 1° Rigid probabilists, or equiprobabilists, assert that election is not free unless the opinions for the law and against the law be equally probable. 2° Benign or moderate probabilists hold it licit to follow the opinion less safe and less probable, provided it be truly and solidly probable. 3° Lax or laxer probabilists taught that it is ever lawful to follow the opinion less safe and probable, even should its probability be slight or most slight, « provided one go not beyond the bounds of probability ». This system was condemned, as will plainly appear below.

> *3° Probabilistae docent licitum esse sequi opinionem minus tutam, etiamsi non sit notabiliter probabilior. In triplicem classem dividuntur : 1° Probabilistae rigidi, vel aequiprobabilistae, asserunt electionem non esse liberam, nisi opiniones pro lege et contra legem sint aeque probabiles. 2° Probabilistae benigni seu moderati tenent licere sequi opinionem minus tutam et minus probabilem, dummodo sit vere et solide probabilis. 3° Probabilistae laxi vel laxiores docuerunt semper fas esse sequi opinionem minus tutam et probabilem, etiamsi tenuis sit vel tenerrima ejus probabilitas, « modo a probabilitatis finibus non exeatur. » Hoc systema fuit damnatum, ut infra patebit.*

7 4° The system of compensative probabilism, which will be set forth more fully below, consists in this. Since the law is doubtful, or existing only probably, if such a law binds, in favor of liberty it is not licit to solve the doubt, unless first the advantages and disadvantages which must arise have been pondered and weighed, whether one act according to the law or against it. If the advantages which the agent acting against the law will enjoy surpass, or at least equal, the inconveniences thence arising, it is licit to use liberty; otherwise the law prevails. — This pseudo-probabilism will be weighed in its own place, and we shall demonstrate its emptiness, the question of probabilism being first exhausted, to which truly it does not belong.

> *4° Systema probabilismi compensativi, quod fusius infra exponetur, in hoc consistit. Cum lex dubia, seu probabiliter tantum existens, ut talis obliget, in favorem libertatis non licet dubium solvere, nisi prius perpensis libratisque commodis et incommodis quae oriri debent, sive juxta sive contra legem agatur. Si commoda quibus fruetur agens contra legem superent vel saltem aequent inconvenientia inde oritura, licitum est libertate uti, secus lex praevalet. — Hic pseudo-*

probabilismus suo loco expendetur, et ejus inanitatem demonstrabimus, exhausta primum quaestione probabilismi, ad quam revera non pertinet.

8 The various systems opposed to moderate probabilism will sufficiently be overthrown by the demonstration of the proposition which enunciates the whole doctrine of the probabilists. Whence

Varia systemata probabilismo moderato opposita sufficienter evertentur per demonstrationem propositionis quae totam doctrinam probabilistarum enuntiat. Unde]

Whether it is lawful to follow an opinion truly and solidly probable favoring liberty, leaving a safer one equally probable, or even more probable, where only the liceity of the action is at stake?

1 [Note 1° that the question is here restricted absolutely to the sole licitness or honesty of the action, to avoid the confusion into which many authors have fallen, who did not sufficiently distinguish the licitness of an action from the validity of an act. For two following cases essentially differ: Is it licit on such a day not to fast, if truly doubtful be the law prescribing fasting on this day; and: Is it licit to employ doubtful matter for confecting a sacrament, when certain matter is present. In the former case there is question of the licitness of the action, and it is the very question of probabilism. In the latter case there is question of the validity of the act, and this question nowise pertains to the system of probabilism, as will be explained more fully below.

[Nota 1° quaestionem hic absolute restringi ad solam liceitatem vel honestatem actionis, ad vitandam confusionem in quam inciderunt multi authores, qui non satis distinxerunt liceitatem actionis a validitate actus. Essentialiter enim differunt duo casus sequentes : Licetne tali die non jejunare, si vere dubia sit lex haec die jejunium praescribens, et : Licetne adhibere materiam dubiam ad conficiendum sacramentum, cum adest materia certa. In priori casu, agitur de liceitate actionis, et est ipsa quaestio probabilismi. In posteriori casu, agitur de validitate actus, et haec quaestio ad systema probabilismi nullo modo pertinet, ut infra fusius explicabitur.

2 Note 2° that the contest here instituted is between an opinion truly and solidly probable favoring liberty and an opinion equally probable, or even more probable, favoring the law. For it must be observed 1° that opposite opinions are buttressed by grave reasons, so that the mind hesitates in suspense, considering the matter objectively, and then each opinion is truly and solidly probable. 2° The difference of probability is often merely subjective. For it can happen that what appears more probable to one seems less probable to another, because each is affected differently by reasons warring among themselves, on account of circumstances which, if changed, would incline each in a contrary manner to judge. This variable inequality, which cannot be notable, cannot bring it about that one of the opposite opinions become thus notable that the other no longer be truly and solidly probable. 3° Even if objectively one opinion be in fact more probable than another, this latter can be so far from being attenuated that it ceases to be truly and solidly probable. Our proposition therefore stands whenever an opinion favoring liberty is truly and solidly probable, although the opposite can be defended by somewhat stronger arguments. And thus must be understood the equiprobabilism of St. Liguori, who, while he denies it licit to follow the less probable opinion, leaving the more probable and safer, understands this latter to be certainly and notably more probable, not indeed little or doubtfully more probable, because then the former would be only doubtfully or lightly probable and could not draw the assent of a prudent man.

Nota 2° concursum hic institui inter opinionem vere et solide probabilem faventem libertati et opinionem aeque probabilem, vel etiam probabiliorem faventem legi. Observandum est enim 1° sententias oppositas rationibus gravibus

> *fulciri, ita ut mens anceps haereat, rem objective considerans, et tunc utraque opinio est vere et solide probabilis. 2° Differentia probabilitatis est non raro mere subjectiva. Fieri enim potest ut quod cuidam probabilius apparet, alteri minus probabile videatur, quia uterque diversimode rationibus inter se pugnantibus afficitur, propter circumstantias quae, si mutarentur, utrumque contrario modo inclinarent ad judicandum. Haec inaequalitas variabilis, quae non potest esse notabilis, efficere nequit quod una ex opinionibus oppositis ita notabilior fiat, ut altera jam non sit vere et solide probabilis. 3° Etiamsi objective una sententia prae altera reapse probabilior sit, haec posterior potest non ita extenuari, ut desinat esse vere et solide probabilis. Stat ergo nostra propositio, quotiescumque opinio libertati favens est vere et solide probabilis, quamvis opposita argumentis paulo validioribus defendi possit. Et ita intelligendus est aequiprobabilismus S. Ligorii, qui, cum negat licitum esse sequi opinionem minus probabilem, relicta probabiliori tutiori, intelligit hanc posteriorem esse certe et notabiliter probabiliorem, non vero parum aut dubie probabiliorem, quia tunc prior esset tantum dubie aut leviter probabilis et assensum viri prudentis trahere non posset.*

3 Note 3° that our proposition must be understood both of extrinsic probability, which rests only upon the decisions of doctors, and of intrinsic probability, which is drawn from consideration and weighing of the question to be solved. For he who is not sufficiently expert in theological matters, so as to be able himself to settle a practical doubt, prudently forms his judgment from the decisions of the more learned. Whence, when it has been ascertained by him that such an opinion is held as truly probable by authors of the best note, he has the probability required to act legitimately upon it. This was defined by the Holy See, when the holy Penitentiaria pronounced, in the year 1831, before St. Liguori was inscribed in the catalogue of saints and adorned with the title of Doctor of the Church, that a confessor following the opinions of this theologian was not to be disturbed, the reasons on which they rest not being weighed, because he judges them safe for this sole reason that the Holy See has declared nothing worthy of censure found in the Alphonsian writings.

> *Nota 3° propositionem nostram intelligendam esse tam de probabilitate extrinseca, quae tantum decisionibus doctorum nititur, quam de probabilitate intrinseca, quae ex consideratione et ponderatione quaestionis solvendae eruitur. Qui enim non est satis rerum theologicarum peritus, ut valeat ipse dubium practicum dirimere, prudenter judicium suum format ex doctiorum decisionibus. Unde, cum illi compertum est talem opinionem ut vere probabilem haberi ab authoribus optimae notae, habet probabilitatem requisitam ut ex ea legitime agat. Hoc a S. Sede fuit definitum, cum S. Poenitentiaria pronuntiavit, anno 1831, antequam S. Ligorius catalogo sanctorum inseriberetur et titulo Doctoris Ecclesiae decoraretur, non inquietandum esse confessarium sequentem opiniones hujus theologi, non trutinatis rationibus quibus nituntur, quia eas tutas judicat eo solo quod S. Sedes declaravit, nihil censura dignum in Alphonsianis scriptis fuisse inventum.*

4 These things posited.

> *His positis.*

5 **I say** : It is licit to follow an opinion truly and solidly probable favoring liberty, leaving the safer opinion equally probable, or even more probable, where there is question solely of the licitness of an action.

> ***Dico** : Licet sequi opinionem vere et solide probabilem faventem libertati, relicta tutiore aeque probabili, vel etiam probabiliori, ubi de sola liceitate actionis agitur.*

6 *It is proved* 1° by reason. Reflex principles here intervene, by which the proposition must necessarily be established.

> Probatur *1° ratione. Hic intercedunt principia reflexa quibus necessario statuenda est propositio.*

7 **FIRST PRINCIPLE : A doubtful law does not oblige.**

PRINCIPIUM PRIMUM : Lex dubia non obligat.

8 *Proof.* The law does not oblige unless it have actually binding force. But the law against which is opposed an opinion truly and solidly probable has not actually binding force. Therefore such a law does not oblige. — The major does not seem to need proof, but only explanation. Law can be considered two ways, namely in fieri or in potency, and in fact accomplished, or in act; and this distinction is intimated by St. Thomas, Iª IIae, q. 90, a. 1, ad 1 : « Since law is a rule and measure, it is said to be in something two ways. In one way, as in the measuring and ruling; and since this belongs properly to reason, in this way law is in reason alone. In another way, as in the ruled and measured; and thus law is in all things which are inclined to something by some law. » In the former way, as you see, law existing in reason alone is in fieri, and if it already has some act, it is no other than the first act, from which it exists only in potency. But how law is in the ruled and measured, that is, in its subject, as regards the second act, which is simply and properly act, the Angelic Doctor declares below, a. 4, c, saying : « Law is imposed on others after the manner of a rule and measure.

Prob. *Lex non obligat, nisi habeat actu vim obligandi. Atqui lex cui opponitur opinio vere et solide probabilis, non habet actu vim obligandi. Ergo lex talis non obligat. — Major non videtur probanda, sed tantum explicanda. Dupliciter lex considerari potest, scilicet in fieri seu in potentia, et in facto esse, seu in actu, et haec distinctio innuitur a S. Thoma, Iª 2ae, q. 90, a. 1, ad 1 : « Cum lex sit regula et mensura, dicitur dupliciter esse in aliquo. Uno modo, sicut in mensurante et regulante : et quia hoc est proprium rationis, ideo per hunc modum lex est in ratione sola. Alio modo, sicut in regulato et mensurato : et sic lex est in omnibus quae inclinantur in aliquid ex aliqua lege. » Priori modo, ut vides, lex in ratione sola existens, est in fieri, et si quemdam actum jam habet, non est alius quam actus primus, ex quo in potentia tantum existit. Quomodo vero lex sit in regulato et mensurato, id est in ejus subjecto, quantum ad actum secundum, qui est simpliciter et proprie actus, hoc declarat Angelicus infra, a. 4, c, dicens : « Lex imponitur aliis per modum regulae et mensurae.*

9 But a rule and measure is imposed by this that it is applied to those things which are ruled and measured. Whence, in order that law obtain the virtue of binding, which is proper to law, it must needs be applied to men who ought to be ruled according to it. » But by this application law obtains its act, as understood above, that is, the second act. Therefore it does not bind except through this act. — *Proof of the minor.* The law has not actually binding force unless it have been really promulgated. But the law against which is opposed an opinion truly and solidly probable has not been really promulgated. Therefore it has not actually binding force. — *Proof of the major.* This proposition is equivalent to the following: The law does not oblige unless it really exists and is a true law. Moreover, it is certain that the law does not have full or true existence, or is not in second act and applied, and consequently is not a true law that binds, unless it has been promulgated. It is disputed among theologians whether promulgation is of the essence of law. Some say it does not belong to the essence, but nevertheless is a condition sine qua non that the law oblige, because the subject cannot be held to keep any law if he ignore it. Others teach, and better, as will be proved in the treatise on Laws, that promulgation is of the essence of law. St. Thomas, ibid., a. 4, solves the question thus : « Whether promulgation is of the nature (ratio) of law? » At the head of the objections the negative proposition is read : « It seems that promulgation is not of the nature of law. » After having said in the body of the article, as read above, that law is imposed « after the manner of rule and measure, » and that it is necessary, in order that it obtain binding force, that it be applied or

imposed upon men, the Angelic Doctor continues : « But such application is made by this that it is led into their knowledge through promulgation itself. Whence promulgation itself is necessary in order that law have its virtue. » But having alleged the most trite axiom of law : « Laws are instituted when they are promulgated, » he places promulgation in the definition of law, which he establishes : « Law is nothing else than a certain ordination of reason for the common good, promulgated by him who has the care of the community. » Into whatsoever part anyone incline, he is compelled to admit our proposition, namely that the law has not actually binding force unless it has been really promulgated. — *Proof of the minor.* The law whose existence is not certain (or a doubtful law) is not really promulgated. But the law against which is opposed an opinion truly and solidly probable is not certain (or is a doubtful law). Therefore such a law is not really promulgated. — To guard against all ambiguity, it must be noted that there is not treated in this argument, as in the whole question, the promulgation made in the external forum for the community, which binds juridically all subjects ipso facto, who are held to know it and cannot commonly pretend ignorance to excuse transgressions and escape penalties, because they are presumed by right to have violated the law knowingly. We weigh here the force of a doubtful law in the internal forum, and it must be asked whether a truly doubtful law ought to be held as really promulgated in this forum, that is, whether it binds conscience. This standing. — *Proof of the major.* With St. Thomas we say, here q. 90, a. 1, c : « Law is a certain rule and measure of acts, according to which someone is led to act or withdrawn from acting; for law is said from binding (ligando), because it obliges to acting. » Whence law ought not to be considered in the abstract, but as it is something practical; and this rule and measure becomes practical only if applied really to a subject, as the Angelic Doctor teaches, ibid., a. 4, c, saying : « Rule and measure are imposed by this that they are applied to those things which are ruled and measured. Whence, in order that law obtain the virtue of binding, which is proper to law, it must needs be applied to men who ought to be ruled according to it. » Further, according to the same, ibid., « such application is made by this that it is led into their knowledge through promulgation itself. » But he who is truly uncertain about the existence of the law has no knowledge of this law. Therefore it is not really promulgated to him. If it be answered, as pleased some, that one doubting the existence of the law has some knowledge of this law, which is sufficient promulgation that he be held to regulate and measure himself according to this law, such objection is refuted by St. Thomas himself, explaining what must be understood by the knowledge required in order that law be really applied through promulgation. For he says, q. 17 de Veritate, a. 3 : « It must be known that obligation, taken metaphorically from bodily things to spiritual things, imports imposition of necessity... So stands the command of someone governing to bind in voluntary things, in that mode of binding which can happen to the will, as stands bodily action to binding bodily things by necessity of coercion. But the bodily action of an agent never induces necessity into another thing except through contact of its own coercion upon the thing in which it acts. Whence neither is anyone bound from the command of any king or lord, unless the command reach the very one commanded. But it reaches him through knowledge. Whence no one is bound by a precept to anything except through mediating knowledge of that precept: and therefore he who is not capable of knowledge is not bound by precept, nor is anyone ignorant of God's precept bound to doing the precept, except inasmuch as he is held to know the precept. But if he be not held to know it, nor know it, he is nowise bound from the precept. As therefore in bodily things the agent acts corporeally only through contact, so in spiritual things the precept binds only through knowledge... Since the precept binds only through the virtue of

knowledge, nor knowledge except through the virtue of the precept. » But if anyone should dare affirm, with Patutio, most bitter attacker of St. Alphonsus de Ligorio, and with the chief of compensative Probabilism, of which below, that knowledge is here taken by St. Thomas in a broad sense, and to be understood of any knowledge whatever, even doubtful, whose motive is grave, so that simple opinion about the existence of the law is equivalent to promulgation, our Doctor closes this escape, saying, II[a] IIae, q. 1, a. 5, ad 4 : « Knowledge together with opinion cannot at once exist simply concerning the same thing, because it is of the nature (ratio) of knowledge that what is known be judged impossible to be otherwise; but it is of the nature of opinion that what is opined be judged possible to be otherwise. » Whence, according to the Angelic Doctor, the law of which there is not had science or certain cognition neither reaches nor binds the subject, because it is not imposed upon him as befits such a bond, that is, through knowledge. But knowledge of law is acquired only through promulgation. Therefore the law whose existence is not certain is not really promulgated. —

Regula autem et mensura imponitur per hoc quod applicatur his quae regulantur et mensurantur. Unde ad hoc quod lex virtutem obligandi obtineat, quod est proprium legis, oportet quod applicetur hominibus qui secundum eam regulari debent. » Atqui per hanc applicationem lex actum suum, ut supra intelligitur, id est actum secundum, obtinet. Ergo non obligat nisi per hunc actum vim obligandi obtineat. — Prob. *min. Lex non habet actu vim obligandi, nisi fuerit realiter promulgata. Atqui lex cui opponitur opinio vere et solide probabilis non fuit realiter promulgata. Ergo non habet actu vim obligandi.* — Prob. *maj. Haec propositio sequenti aequivalet : Lex non obligat, nisi realiter existat et sit lex vera. Porro, certum est legem plenam seu veram existentiam non habere, seu non esse in actu secundo et non applicari, et consequenter non esse legem veram quae obliget, nisi fuerit promulgata. Disputatur inter theologos, an promulgatio sit de essentia legis. Quidam dicunt eam ad essentiam non pertinere, sed nihilominus esse conditionem sine qua non ut lex obliget, quia subditus teneri non potest legem aliquam servare, si eam ignoret. Alii docent, et melius, ut in tractatu de Legibus probabitur, promulgationem esse de essentia legis. S. Thomas, ibid., a. 4, solvit quaestionem sequentem : « Utrum promulgatio sit de ratione legis ? » In capite objectionum propositio negativa legitur : « Videtur quod promulgatio non sit de ratione legis. » Postquam in corp. art. dixit, ut supra legitur, legem imponi « per modum regulae et mensura, » et necesse esse, ut vim obligandi obtineat, quod applicetur seu imponatur hominibus, Angelicus prosequitur : « Talis autem applicatio fit per hoc quod in notitiam eorum deducitur ex ipsa promulgatione. Unde promulgatio ipsa necessaria est ad hoc quod lex habeat suam virtutem. » Allegato autem tritissimo axiomate juris : « Leges instituuntur cum promulgantur, » promulgationem ponit in definitione legis, quam sit statuit : « Lex nihil aliud est quam quaedam rationis ordinatio ad bonum commune, ab eo qui curam communitatis habet promulgata. » In quamcumque partem propendeat aliquis, propositionem nostram admittere cogitur, scilicet quod lex non habet actu vim obligandi, nisi fuerit realiter promulgata.* — Prob. *min. Lex cujus existentia non est certa (seu lex dubia), non est realiter promulgata. Atqui lex cui opponitur opinio vere et solide probabilis, non est certa (seu est lex dubia). Ergo lex talis non est realiter promulgata. — Ad praecavendam omnem ambiguitatem, notandum est non agi in hoc argumento, sicut et in tota quaestione, de promulgatione quae fit in foro externo pro communitate et ipso facto obstringit juridice omnes subditos, qui censentur eam noscere et ignorantiam communiter praetendere non possunt ad transgressiones excusandas et poenas declinandas, quia jure praesumuntur scienter legem violasse. Expendimus hic valorem legis dubiae in foro interno, et inquirendum est an lex vere dubia haberi debeat ut realiter promulgata in hoc foro, id est an conscientiam liget. Hoc statuto.* — Prob. *major. Dicimus cum S. Thoma, hic q. 90, a. 1, c : « Lex quaedam regula est et mensura actuum, secundum quam inducitur aliquis ad agendum, vel ab agendo retrahitur; dicitur enim lex a ligando, quia obligat ad agendum. » Unde lex considerari non debet in abstracto, sed ut est aliquid practicum, et haec regula et mensura non fit practica nisi subjecto applicetur realiter, ut docet Angelicus, ibid., a. 4, c, dicens : « Regula et mensura imponitur per hoc quod applicatur his quae regulantur et mensurantur. Unde, ad hoc quod lex virtutem obligandi obtineat, quod est proprium legis, oportet quod applicetur hominibus qui secundum eam regulari debent. » Porro, secundum eundem, ibid., « talis applicatio fit per hoc quod in notitiam eorum deducitur ex ipsa promulgatione. » Atqui qui vere incertus est de*

existentia legis, non habet hujus legis notitiam. Ergo ipsi non est realiter promulgata. Si respondeatur, ut aliquibus placuit, dubitantem de existentia legis hujus legis habere aliquam notitiam, quae est promulgatio sufficiens ut secundum hanc legem se regulare et mensurare teneatur, talem objectionem refutat ipse S. Thomas, explicando quid intelligendum sit per notitiam requisitam ut lex realiter applicetur per promulgationem. Dicit enim, q. 17 de Veritate, a. 3 : « Sciendum est quod ligatio metaphorice a corporalibus ad spiritualia sumpta, necessitatis impositionem importat... Ita se habet imperium alicujus gubernantis ad ligandum in rebus voluntariis, illo modo ligationis qui voluntati accidere potest, sicut se habet actio corporalis ad ligandum res corporales necessitate coactionis. Actio autem corporalis agentis nunquam inducit necessitatem in rem aliam, nisi per contactum coactionis ipsius ad rem in qua agit. Unde nec ex imperio alicujus regis vel domini ligatur aliquis, nisi imperium attingat ipsum cui imperatur. Attingit autem ipsum per scientiam. Unde nullus ligatur per praeceptum aliquid, nisi mediante scientia illius praecepti : et ideo ille qui non est capax notitiae, praecepto non ligatur, nec aliquis ignorans praeceptum Dei, ligatur ad praeceptum faciendum, nisi quatenus tenetur scire praeceptum. Si autem non teneatur scire, nec sciat, nullo modo ex praecepto ligatur. Sicut autem in corporalibus agens corporale non agit nisi per contactum, ita in spiritualibus praeceptum non ligat, nisi per scientiam... Cum praeceptum non liget nisi per virtutem scientiae, nec scientia nisi per virtutem praecepti. » Si quis autem affirmare audeat, cum Patutio, acerrimo S. Alphonsi de Ligorio oppugnatore, et cum coryphaeo Probabilismi compensativi, de quo infra, scientiam hic sumi a S. Thoma lato sensu, et intelligendam esse de quacumque notitia, etiam dubia, cujus motivum est grave, ita ut simplex opinio de existentia legis promulgationi aequivalet, Doctor noster hoc effugium claudit, dicens, II^a IIae, q. 1, a. 5, ad 4 : « Scientia cum opinione simul esse non potest simpliciter de eodem, quia de ratione scientiae est quod id quod scitur existimetur esse impossibile se aliter habere; de ratione autem opinionis est quod id quod est opinatum existimetur possibile aliter se habere. » Unde, secundum Angelicum, lex cujus non habetur scientia seu cognitio certa, non attingit nec ligat subditum, quia non ei imponitur sicut convenit hujusmodi ligamini, id est per scientiam. Atqui scientia legis non acquiritur nisi per promulgationem. Ergo lex cujus existentia non est certa, non est realiter promulgata. —

10 The *minor* is evident. Yet if it needed proving, we should proceed thus. Two opposite probabilities necessarily induce uncertainty or doubt. But, when an opinion truly and solidly probable denies the existence of some law, two probabilities are opposed. Therefore the existence of this law is uncertain or doubtful.

Minor *est evidens. Si tamen probanda esset, sic procederemus. Duae probabilitates oppositae necessario incertitudinem seu dubium inducunt. Atqui, cum opinio vere et solide probabilis negat existentiam alicujus legis, duae probabilitates opponuntur. Ergo existentia hujus legis est incerta seu dubia.*

11 All further proof is useless, indeed would be impossible, for evidence neither requires nor admits demonstration.

Omnis ulterior probatio est inutilis, imo esset impossibilis, nam evidentia demonstrationem nec requirit, nec patitur.

12 The foregoing argumentation is resolved thus :

Superior argumentatio sic resolvitur :

13 A law which only probably exists is a doubtful law.

Lex quae probabiliter tantum existit est lex dubia.

14 A doubtful law is not really promulgated.

Lex dubia non est realiter promulgata.

15 A law which is not really promulgated has not actually binding force.

Lex quae non est realiter promulgata, non habet actu vim obligandi.

16 A law which has not actually binding force cannot really oblige.

Lex quae non habet actu vim obligandi, non potest realiter obligare.

17 It is confirmed by this argument instituted by Billuart in favor of probabiliorism : « He who does what he judges probably to be objectively honest, or contrary to no law, if perchance it be a prohibiting law, ignores it invincibly. But invincible ignorance of law excuses from formal sin, as is evident from this second proposition condemned by Alexander VIII : « Although there be given invincible ignorance of natural law, this in the state of fallen nature does not excuse the agent from formal sin on account of itself. » — *Proof of the minor.* He who seriously strives for truth, and does the whole that morally he can in order to attain it, if perchance he do not attain it, ignores it invincibly; because that ignorance is invincible which cannot be conquered by human effort, as says St. Thomas Iª IIae, q. 76, a. 2, c. But this whole thing he performs who, after sufficient examination, follows a probable opinion. Therefore. »

Confirmatur hoc argumento a Billuart instituto in favorem probabiliorismi : « Ille qui facit quod probabiliter judicat esse objective honestum, seu nulli legi contrarium, si forte sit lex prohibens, illam invincibiliter ignorat. Atqui ignorantia invincibilis legis excusat a peccato formali, ut patet ex hac propositione secunda damnata ab Alexandro VIII : « Tametsi detur ignorantia invincibilis juris naturae, haec in statu naturae lapsae operantem ex ipsa non excusat a peccato formali. » — Prob. *min. Qui serio enititur ad veritatem, facitque totum quod moraliter potest ut eam assequatur, si forte non attingat, invincibiliter illam ignorat; quia ea ignorantia est invincibilis, quae humano studio vinci non potest, ut dicit S. Thomas Iª IIae, q. 76, a. 2, c. Atqui totum hoc praestat qui, post sufficiens examen, sequitur opinionem probabilem. Ergo. »*

18 Where Billuart says more probable, we say probable, and indeed with equal right. For since the opinion favoring liberty is truly and solidly probable, the very existence of the law is only probable and cannot be demonstrated. The agent therefore is constituted in ignorance « which cannot be conquered by human effort, » that is, in invincible ignorance of the law, if perchance it exist. But the agent « is not bound except through mediating knowledge of the precept, » as says the Angelic Doctor. Therefore.

Ubi dicit Billuart probabilior, nos dicimus probabilis, et quidem pari jure. Cum enim opinio libertati favens est vere et solide probabilis, ipsa legis existentia non est nisi probabilis et demonstrari non potest. Agens igitur constituitur in ignorantia « quae humano studio vinci non potest, » id est in ignorantia invincibili legis, si forte lex existat. Atqui agens « non ligatur nisi mediante scientia praecepti, » ut dicit Angelicus. Ergo.

19 Therefore a doubtful law does not oblige.

Ergo lex dubia non obligat.

20 *You will say* perhaps : Natural law was not promulgated. But nevertheless natural law obliges all men, and human laws proceed from this law. Therefore promulgation is not necessary in order that law oblige.

Dices *forsan : Lex naturae non fuit promulgata. Atqui nihilominus lex naturae omnes homines obligat, et leges humanae ab hac lege procedunt. Ergo promulgatio non est necessaria ut lex obliget.*

21 I answer. St. Thomas objected to himself this difficulty, Iª IIae, q. 90, a. 4, in the first place, saying : « Natural law especially has the nature (ratio) of law. But natural law has no need of promulgation. Therefore it is not of the nature of law that it be promulgated. » And he answers : « It must be said that promulgation of natural law is from this very thing that God inserted it into the minds of men to be naturally known. » Explaining this more clearly Sylvius says, on Iª IIae, q. 90, a. 4, at the end : « Actually then it [natural law] is promulgated to everyone when he receives cognition from God, dictating what according to right reason is to be embraced, what fled. » Ibid., q. 19, a. 4, ad 3, the Angelic Doctor, urging that it is necessary that law, inasmuch as it is a measure, be most certain, says of natural law, which is in us a participation of eternal law : « Although eternal law be unknown to us as it is in the divine mind, yet it becomes known to us in some manner through natural reason, which is derived from it as its proper image, or through some added revelation. » Mark these last words, from which it is inferred that, if reason were not sufficient for manifesting to us the divine will, at least in necessary things, the ignorance of man would have to be driven away by some supernatural revelation, in order that natural law become most certain, so that before this special promulgation it could not actually oblige.

> Respondeo. *Hanc difficultatem sibi obiecit S. Thomas, 1ª 2ª, q. 90, a. 4, primo loco, dicens : « Lex naturalis maxime habet rationem legis. Sed lex naturalis non indiget promulgatione. Ergo non est de ratione legis quod promulgetur. » Et respondet : « Dicendum quod promulgatio legis naturae est ex hoc ipso quod Deus eam mentibus hominum inseruit naturaliter cognoscendam. » Id clarius explicans Sylvius ait, in 1am 2ª, q. 90, a. 4, in fine : « Actualiter tunc unicuique [lex naturae] promulgatur, quando cognitionem a Deo accipit, dictantem quid juxta rectam rationem sit amplectendum, quid fugiendum. » Ibid., q. 19, a. 4, ad 3, Angelicus obtendens quod necesse est ut lex, quatenus est mensura, sit certissima, dicit de lege naturae, quae est in nobis participatio legis aeternae : « Licet lex aeterna sit nobis ignota secundum quod est in mente divina, innotescit tamen nobis aliqualiter per rationem naturalem, quae ab ea derivatur ut propria ejus imago, vel per aliqualem revelationem superadditam. » Adverte haec ultima verba, ex quibus infertur quod, si ratio non sufficeret ad manifestandum nobis divinam voluntatem, saltem in necessariis, ignorantia hominis esset depellenda per aliqualem revelationem supernaturalem, ut lex naturalis fieret certissima, ita ut ante hanc promulgationem specialem non posset actu obligare.*

22 **SECOND PRINCIPLE.** An uncertain law cannot induce a certain obligation.

> ***PRINCIPIUM SECUNDUM.*** *Lex incerta non potest inducere obligationem certam.*

23 Our proposition seems to have been sufficiently and even irrefragably demonstrated by the foregoing argument, wherein we weighed the essence of law, considering it especially as cause of obligation. Nevertheless, in abundance of right it will be well further to examine the effect of law and its process from law, proving that an uncertain law cannot induce a certain obligation. Therefore

> *Videtur nostram propositionem sufficienter et etiam inconcusse fuisse demonstratam praecedenti argumento, quo essentiam legis expendimus, eam praecipue ut causam obligationis considerantes. Attamen, ad abundantiam juris, effectum legis et ejus processum a lege juvabit insuper examinare, probando legem incertam obligationem certam non posse inducere. Itaque*

24 It is proved thus. A natural effect is necessarily proportioned and homogeneous to its cause. But obligation is a natural effect of law. Therefore obligation is necessarily proportioned and homogeneous to law. — Proof of the first part of the major. A natural effect is contained in the cause. But the contained is necessarily proportioned to the containing and cannot exceed it; otherwise it would be at once contained and at least in part not contained, which implies contradiction. Therefore

a natural effect is necessarily proportioned to its cause. — Proof of the second part of the major. According to St. Thomas, Ia p., q. 43, a. 7, c, « every effect represents its cause in some manner. » And he says the same, ibid., q. 4, a. 2, c : « Whatever perfection is in the effect must be found in the effective cause... For it is manifest that the effect preexists in virtue in the agent cause; but to preexist in virtue in the agent cause is not to preexist in a more imperfect mode, but more perfect. » But to preexist in virtue in the agent cause supposes the homogeneity of the natural effect to the cause. Therefore a natural effect is necessarily homogeneous to its cause. — Proof of the minor. The natural effect of law is that for which it is instituted and which proceeds from its nature. But this is nothing else than obligation; for, as says the Angelic Doctor, Iª IIae, q. 90, a. 1, c, « law is said from binding (ligando), because it obliges to acting, » and ibid., argument *Sed contra* : « To law belongs to command and forbid, » which is to oblige. Therefore obligation is a natural effect of law. — Whence is rightly concluded : Therefore obligation is necessarily proportioned and homogeneous to law.

> *Probatur sic. Effectus naturalis est necessario proportionatus et homogeneus causae. Atqui obligatio est effectus naturalis legis. Ergo obligatio est necessario proportionata et homogenea legi. — Prob. 1ª pars majoris. Effectus naturalis continetur in causa. Atqui contentum necessario proportionatur continenti et illud excedere non potest; alioquin esset simul contentum et saltem ex parte non contentum, quod implicat. Ergo effectus naturalis est necessario causae proportionatus. — Prob. 2ª pars majoris. Secundum D. Thomam, 1a p., q. 43, a. 7, c, « omnis effectus aliqualiter repraesentat suam causam. » Et idem dicit, ibid., q. 4, a. 2, c : « Quidquid perfectionis est in effectu, oportet inveniri in causa effectiva... Manifestum est enim quod effectus praeexistit virtute in causa agente; praeexistere autem in virtute causa agentis, non est praeexistere imperfectiori modo, sed perfectiori. » Atqui praeexistere virtute in causa agente, supponit homogeneitatem effectus naturalis ad causam. Ergo effectus naturalis est necessario homogeneus causae. — Prob. min. Effectus naturalis legis est id ad quod instituitur et ex ejus natura procedit. Atqui id nihil aliud est quam obligatio; nam, ut dicit Angelicus, 1a 2ª, q. 90, a. 1, c, « dicitur lex a ligando, quia obligat ad agendum, » et ibid., arg.* Sed contra *: « Ad legem pertinet praecipere et prohibere, » quod est obligare. Ergo obligatio est effectus naturalis legis. — Unde jure concluditur : Ergo obligatio est necessario proportionata et homogenea legi.*

25 This conclusion obtained, the following argument is instituted : Obligation is necessarily proportioned and homogeneous to law. But, if an uncertain law induced a certain obligation, this obligation would not be proportioned and homogeneous to the law. Therefore an uncertain law cannot induce a certain obligation. — Proof of the first part of the minor. The certain exceeds the uncertain, as proceeding further. Therefore certain obligation is not proportioned to an uncertain law. — Proof of the second part of the minor. The certain is opposed to the uncertain and excludes it. Therefore certain obligation is not homogeneous to an uncertain law. — Therefore, as asserted in the proposition, an uncertain law cannot induce a certain obligation.

> *Hac conclusione obtenta, instituitur argumentum sequens : Obligatio est necessario proportionata et homogenea legi. Atqui, si lex incerta induceret obligationem certam, haec obligatio non esset proportionata et homogenea legi. Ergo lex incerta non potest inducere obligationem certam. — Prob. 1ª pars minoris. Certum excedit incertum, ut ulterius procedens. Ergo obligatio certa non proportionatur legi incertae. — Prob. 2ª pars minoris. Certum opponitur incerto et illud excludit. Ergo obligatio certa non est homogenea legi incertae. — Ergo, ut asseritur in propositione, lex incerta non potest inducere obligationem certam.*

26 It is confirmed by these words of St. Thomas already alleged in favor of the preceding principle, q. 17 de Veritate, a. 3, c : « Nor is anyone bound from the command of any king or lord, unless the command reach the very one commanded. But it reaches him through knowledge. Whence no one is bound by any precept except through mediating knowledge of that precept. » But knowledge of the

precept, as we already noticed, is certain cognition of the law. Therefore an uncertain law cannot induce a certain obligation.

> *Confirmatur his verbis S. Thoma jam in gratiam praecedentis principii allegatis, q. 17 de Veritate, a. 3, c : « Nec ex imperio alicujus regis vel domini ligatur aliquis, nisi imperium attingat ipsum cui imperatur. Attingit autem ipsum per scientiam. Unde nullus ligatur per praeceptum aliquod, nisi mediente scientia illius praecepti. » Atqui, ut jam animadvertimus, scientia praecepti est cognitio certa legis. Ergo lex incerta non potest inducere obligationem certam.*

27 **THIRD PRINCIPLE.** Better is the condition of the possessor.

> ***PRINCIPIUM TERTIUM.*** *Melior est conditio possidentis.*

28 It must be observed that the present question is placed between law and human liberty. Moreover it is licit for man to use his liberty so long as he is not deprived of it legitimately, that is by some true law, because before law he possesses liberty, and this possession confers on him certain right, if no superior and contrary right destroy it.

> *Observandum est praesentem quaestionem poni inter legem et libertatem hominis. Porro sua libertate uti homini licet, quamdiu ea legitime, id est aliqua vera lege, non privatur, quia ante legem libertatem possidet, et haec possessio jus certum illi confert, si jus superius et contrarium illud non destruat.*

29 It is proved. No one can be justly deprived of certain right except by him who has a superior and certain right. But before law liberty possesses certain right, and that this is so is evident; for any right subsists so long as another superior right does not destroy it, according to the known axiom : « There is no given right against right; » which is understood of a truly existing right. Whoever possesses such a right can defend it against anyone whatsoever not proving himself to have a contrary right which prevails. — Proof of the minor. To the intellectual nature of man free will essentially pertains, as St. Thomas demonstrates, saying, Ia p., q. 59, a. 3, c : « Certain things there are which act not from any judgment, but rather as acted and moved by others, as an arrow is moved by the archer toward an end. But certain things act with a certain judgment, yet not free, as irrational animals: for the sheep flees the wolf from a certain judgment whereby it judges him harmful to itself; but this judgment is not free to it, but implanted by nature. But only that which has intellect can act by free judgment, inasmuch as it knows the universal reason of good, from which it can judge this or that to be good. Whence wherever there is intellect, there is free will. » It must be adverted that our Doctor speaks here not of liberty of contrariety, which is not an essential dower of intellectual nature, but of liberty of contradiction, which the agent uses « inasmuch as he knows the universal reason of good, » which he attributes in this place to blessed angels, and ought equally to be attributed to man even as wayfarer. But intellectual nature to be ruled, measured, bound by law is conceived before the rule, measure and bond to be imposed upon it. And this the Angelic Doctor teaches, Iª IIae, q. 91, a. 1. He asks « whether there is any eternal law. » First he objects to himself : « It seems there is no eternal law. Every law is imposed upon some. But there was not from eternity anyone upon whom a law could be imposed; for God alone was from eternity. Therefore there is no eternal law. » He answers : « It must be said that things which are not in themselves exist in God, inasmuch as they are known by him and preordained, according to that, *Rom.*, IV, 17 : *Who calls those things that are not, as those that are.* Thus therefore the eternal concept of divine law has the nature of eternal law, according as it is ordered by God to the governance of things foreknown by him. » Mark this : « The eternal concept of divine law is ordered to the governance of things foreknown. » Therefore by priority of reason man

was first considered by God as free, and afterwards, by posteriority of the same kind, was considered the law by which man was to be bound. If this is true of eternal law, much more is it true of natural law and of human law. Therefore before law the liberty of man possesses certain right. And it is confirmed by these words of Sacred Scripture, *Eccli.*, XV, 14-16 : *God created man from the beginning, and left him in the hand of his own counsel. He added his commandments and precepts. If thou wilt keep the commandments, they shall keep thee.* Thence it is evident that man was constituted essentially free. His liberty is restricted only by commandments and precepts which God added. Mark well this last word, added. Therefore as above. Therefore liberty cannot be deprived of its certain right except by a certain law.

> *Probatur. Nemo potest jure certo privari, nisi ab eo qui jus superius et certum habet. Atqui ante legem libertas jus certum possidet, et hoc ita esse evidens; nam jus aliquod subsistit quamdiu jus aliud superius illud non destruit, secundum axioma notum : « Non datur jus contra jus; » quod intelligitur de jure vere existente. Quicumque tale jus possidet, illud defendere potest contra quemcumque non probantem se jus contrarium habere, quod praevalet. — Prob. min. Ad naturam intellectualem hominis libertas arbitrii essentialiter pertinet, ut demonstrat D. Thomas, dicens, 1a p., q. 59, a. 3, c : « Quaedam sunt quae non agunt ex aliquo arbitrio, sed quasi ab aliis acta et mota, sicut sagitta a sagittante movetur in finem. Quaedam vero agunt quodam arbitrio, sed non libero, sicut animalia irrationalia : ovis enim fugit lupum ex quodam judicio, quo existimat eum sibi noxium ; sed hoc judicium non est ipsi liberum, sed a natura inditum. Sed solum id quod habet intellectum potest agere judicio libero, in quantum cognoscit universalem rationem boni, ex qua potest judicare hoc vel illud esse bonum. Unde ubicumque est intellectus, ibi est liberum arbitrium. » Advertendum est Doctorem nostrum hic non loqui de libertate contrarietatis, qua non est dos essentialis naturae intellectualis, sed de libertate contradictionis, qua utitur agens « in quantum cognoscit universalem rationem boni, » quam tribuit hoc loco angelis beatis et tribui debet pariter homini etiam viatori. Atqui natura intellectualis regulanda, mensuranda, liganda per legem, concipitur ante regulam, mensuram et ligamen qua ipsi sunt imponenda. Et hoc docet Angelicus, 1a 2ª, q. 91, a. 1. Quaerit « utrum sit aliqua lex aeterna. » Primum sibi objicit : « Videtur quod non sit aliqua lex aeterna. Omnis enim lex aliquibus imponitur. Sed non fuit ab aeterno cui aliqua lex posset imponi; solus enim Deus fuit ab aeterno. Ergo nulla est lex aeterna. » Respondet : « Dicendum quod ea quae in seipsis non sunt, apud Deum existunt, in quantum sunt ab ipso cognita et praeordinata, secundum illud,* Rom., *IV, 17 :* Qui vocat ea quae non sunt, tamquam ex quae sint. *Sic igitur aeternus divinae legis conceptus habet rationem legis aeternae, secundum quod a Deo ordinatur ad gubernationem rerum ab ipso praecognitarum. » Adverte hoc : « Aeternus divinae legis conceptus ordinatur ad gubernationem rerum praecognitarum. » Ergo prioritate rationis prius a Deo consideratus fuit homo tamquam liber, et deinde posterioritate ejusdem generis considerata fuit lex qua homo ligandus erat. Si hoc verum est de lege aeterna, a fortiori verum est de lege naturae et de lege humana. Ergo ante legem libertas hominis jus certum possidet. Et confirmatur his verbis S. Scriptura,* Eccli., *XV, 14-16 :* Deus ab initio constituit hominem, et reliquit illum in manu consilii sui. Adjecit mandata et praecepta sua. Si volueris mandata servare, conservabunt te. *Inde patet, hominem constitutum fuisse essentialiter liberum. Ejus libertas non restringitur nisi mandatis et praeceptis quae Deus adjecit. Nota bene hoc ultimum verbum adjecit. Ergo ut supra. Ergo libertas jure suo certo privari non potest nisi lege certa.*

30 Whence the following argument, which clinches the matter : Liberty cannot be deprived of its certain right except by a certain law. But a probable law is not a certain law. Therefore a probable law cannot deprive liberty of its certain right. — But that right is possession. Therefore in this matter better is the condition of liberty possessing.

> *Unde argumentum sequens, quod rem conficit : Libertas jure suo certo privari non potest nisi lege certa. Atqui lex probabilis non est lex certa. Ergo lex probabilis non potest libertatem jure suo certo privare. — Atqui jus illud est possessio. Ergo in hac materia melior est conditio libertatis possidentis.*

31 By means of the three foregoing principles, demonstrated is the inefficacy of a doubtful law, in itself, as it is a cause, as to effect and in subject. Nothing more can be required to prove by reason such a law practically of no value.

> *Ope trium superiorum principiorum, demonstrata est inefficacitas legis dubiae, in se, ut est causa, quoad effectum et in subjecto. Nihil amplius requiri potest, ut probetur ratione talem legem practice nullius valoris esse.*

32 **Argument from authority.**

> ***Argumentum ex authoritate.***

33 This argument is excellently set forth thus by Fr. Gury^1 : « It consists of various headings, namely :

> *Hoc argumentum a P. Gury optime sic exponitur^1 : « Ex variis capitibus constat, scilicet :*

34 » 1° From the common consent of authors through many centuries. For since arose the dispute about probabilism, namely about the middle of the sixteenth century, innumerable straightway from every nation, state, condition, and from all religious orders undertook its patronage, among whom not a few shine illustrious in fame of doctrine, as Suarez, cardinal de Lugo, Lessius, Eusebius Amort, Bonacina, etc., and in recent times St. Alphonsus de Ligorio. But if some amid so great a multitude of doctors perhaps seem too far to have extended the limits of probabilism, let us surely guard against danger of this kind, retaining the limits of true probabilism, namely by not admitting an opinion as probable unless it rest upon a solid foundation, or unless solid reasons fight for it, as almost all understood probabilism, even before St. Liguori. » — To the authors enumerated by Gury must be added St. Antoninus, who re-

> *» 1° Ex communiori authorum per plura saecula consensu. Ex quo enim orta est disputatio de probabilismo, nempe a medio saeculo XVI, innumeri confestim ex omni natione, statu, conditione, et ex omnibus religiosis ordinibus authores patrocinium ejus susceperunt, e quibus non pauci doctrinae fama insignes elucent, uti Suarez, cardinalis de Lugo, Lessius, Eusebius Amort, Bonacina, etc., et recentioribus temporibus S. Alphonsus de Ligorio. Quod si nonnulli in tanta doctorum multitudine probabilismi limites nimis extendisse forte videantur, hujusmodi sane periculum praecaveamus, limites veri probabilismi retinentes, scilicet non admittendo opinionem ut probabilem, nisi solido fundamento innitatur, seu nisi solidae rationes pro ea militent, prout plerique omnes, etiam ante S. Ligorium, probabilismum intellexerunt. » — Authoribus a Gury enumeratis, addendus est S. Antoninus, qui re-*

35 [1]

[1] Compendium theologiae moralis, n. 64 et 65. Edit. P. H. Dumas, 1874.

> *1*
>
> *[1] Compendium theologiae moralis, n. 64 et 65. Edit. P. H. Dumas, 1874.*

36 lates the opinions of several ancient doctors, and notably of St. Thomas, which can be demonstrated only through the principles of probabilism.

> *censet sententias plurium doctorum antiquorum, et signanter S. Thomae, quae nonnisi per principia probabilismi demonstrari possunt.*

37 » 2° From the commonly handed down doctrine of the present time. Indeed, if the schools diffused throughout the whole world be inspected, in most will be found handed down and defended the

moderate doctrine of probabilism, especially at Rome, which deservedly ought to be held as the center of theological sciences, and where false doctrine, and indeed publicly, the Church being silent, certainly cannot be taught. So likewise in the whole of Italy, Spain, Germany, etc. — In France also itself it is now received almost with unanimous applause daily growing, that is the doctrine of St. Liguori, which assuredly wholly abhors probabiliorism. » — Since the time when Gury wrote there arose indeed in France the system of compensative Probabilism, which undeservedly usurped the name of probabilism, in order utterly to overthrow the principles of Liguorian doctrine. But that system attracted very few followers, and briefly, as an empty thing, will vanish.

> *» 2° Ex doctrina hujusce temporis communiter tradita. Etenim, si inspiciantur scholae per totum orbem diffusae, in plerisque invenientur tradita et propugnata probabilismi moderati doctrina, praesertim Romae, quae merito haberi debet ut centrum scientiarum theologicarum, et ubi falsa doctrina, et quidem publice, tacente Ecclesia, doceri profecto nequit. Sic pariter in tota Italia, Hispania, Germania, etc. — In ipsa quoque Gallia jam unanimo fere plausu in dies nunc excipitur S. Ligorii doctrina, qua sane a probabiliorismo prorsus abhorret. » — A tempore quo Gury scribebat, ortum est quidem in Gallia systema Probabilismi compensativi, quod immerito nomen probabilismi usurpavit, ut doctrinae Ligorianae principia funditus ever tens. Sed illud systema paucissimos sequaces attraxit, et brevi, ut res inanis, evanescet.*

[38] » 3° From the approval of the Church, at least implicit, in the approval of the works of St. Liguori. For the sacred Congregation of Rites solemnly declared [in the judgment passed upon the writings before canonization] that there is « nothing worthy of censure » in the works of the holy Doctor. Again, in the decree of the holy Penitentiaria (July 5, 1831) approved by St. P. Gregory XVI, any professor of theology may follow and teach all the opinions which St. Liguori professes in his moral theology, nor is the confessor to be disturbed who follows them in practice in the sacred tribunal of penance. [The holy Doctor is praised more expressly in the Brief written by SS. D. N. Pius IX, April 7, 1847, to Peter Scavini, who teaches in his Compendium most openly the Liguorian probabilism : « We congratulate you heartily, says the Pontiff, because in composing these Institutions you have had nothing nearer your care than to propagate ever more and more the salutary doctrines of that most holy and learned man Alphonsus Maria de Ligorio, and therewith to imbue the minds of ecclesiastical youth especially. »] Finally by apostolic letters given July 7, 1871, whereby St. Liguori is declared Doctor of the universal Church, St. P. Pius IX established this : « Moreover the books, commentaries, opuscula, finally all the works of this Doctor, like those of other Doctors of the Church, we will and decree to be cited, produced, and, when occasion requires, employed not only privately but publicly in gymnasia, academies, schools, colleges, lectures, disputations, interpretations, sermons, discourses, and all other ecclesiastical studies and christian exercises. » — Now indeed St. Liguori in his works : 1° Teaches expressly and confirms with wondrous erudition all the speculative principles in which, the adversaries themselves confessing, the whole substance as it were of our doctrine consists, namely : that no one is held to keeping any law unless it be manifested to him as certain; — that an uncertain law cannot induce a certain obligation; — that a doubtful law does not oblige, etc. (*Morale systema*, n. 63-69). 2° As to practice, he asserts with us that it is licit to use true and solid probability against the law, provided he who uses it form his conscience by means of the reflex principles so often recalled. Him indeed he holds alone as such which is equal or almost equal in probability to the opposite: we, on the contrary, admitted it sometimes to be and remain such, although the opposite be more probable; but this does not impede him from agreeing with us as regards essentials; [for, as we noted, St. Liguori requires only that the opinion favoring liberty be

truly and solidly probable; and even if the opposite opinion be more probable, it destroys not the truth and solidity of the contrary opinion whenever it is not notably more probable, in which case the former would become lightly probable and put outside the question]. Therefore in his works shines forth the approval of the Church and the principles of our doctrine.

> *» 3° Ex approbatione Ecclesiae, saltem implicita, in approbatione operum S. Ligorii. Etenim solemniter declaravit sacra Rituum Congregatio [in judicio de scriptis ante canonisationem lato] « nihil esse censura dignum » in operibus S. Doctoris. Iterum in decreto S. Poenitentiariae (5 julii 1831) a S. P. Gregorio XVI approbato, professor quivis theologiae sequi et docere potest omnes opiniones quas in sua theologiae morali profitetur S. Ligorius, nec inquietandus est confessarius qui easdem in praxi sacri tribunalis poenitentiae sequitur. [Expressius laudatur S. Doctor in Brevi a SS. D. N. Pio IX scripto, 7 aprilis 1847, ad Petrum Scavini, qui in suo Compendio theologiae probabilismum Ligorianum apertissime docet : « Tibi vehementer gratulamur, ait Pontifex, quod in hisce Institutionibus conficiendis nihil antiquius habueris, quam salutares sanctissimi et doctissimi viri Alphonsi Maria de Ligorio doctrinas magis magisque propagare, iisque ecclesiasticae praesertim juventutis animos imbuere. »] Litteris tandem apostolicis die 7 julii 1871 datis, quibus S. Ligorius universalis Ecclesiae Doctor declaratur, haec statuit S. P. Pius iX : « Praeterea hujus Doctoris libros, commentaria, opuscula, opera denique omnia, ut aliorum Ecclesiae Doctorum, non modo privatim, sed publice in gymnasiis, academiis, scholis, collegiis, lectionibus, disputationibus, interpretationibus, concionibus, sermonibus, omnibusque aliis ecclesiasticis studiis, christianisque exercitationibus, citari, proferri, atque, cum res postulaverit, adhiberi volumus ac decernimus. » — Jam vero S. Ligorius in suis operibus : 1° Expresse docet ac mira eruditione confirmat speculativa omnia principia in quibus, fatentibus ipsismet adversariis, tota veluti substantia nostrae doctrinae consistit, nempe : neminem ad aliquam legem servandam teneri, nisi illa ut certa ei manifestetur; — non posse legem incertam certam obligationem inducere; — legem dubiam non obligare, etc. (*Morale systema*, n. 63-69). 2° Quoad praxim, nobiscum asserit licitum esse usum verae et solidae probabilitatis contra legem, dummodo qui ea utitur conscientiam sibi efformet ope principiorum reflexorum saepius memoratorum. Eam equidem solam ut talem habet quae sit aequalis aut fere aequalis probabilitati oppositae : nos, e contra, admisimus eam aliquando talem esse ac manere, quamvis opposita sit probabilior; sed id non impedit quominus nobiscum consentiat quoad essentialia; [nam, ut notavimus, S. Ligorius id tantum requirit, ut opinio favens libertati sit vere et solide probabilis, et etiamsi opinio opposita sit probabilior, non destruit veritatem et soliditatem sententiae contrariae, quoties non est notubiliter probabilior, quo in casu prior fieret leviter probabilis et extra quaestionem poneretur]. Ergo in ejus operibus elucet approbatio Ecclesiae ac doctrinae nostrae principia.*

39 » Add, with the Würzburg Theology, n. 252, to those who use probabilism with due moderation, following only opinions truly and solidly probable, that « few are the opinions manifestly and notably more probable, and concerning whose excess it is certainly established, than any which they affirmed manifestly and notably more probable, while it is known to oppose them, have the truth of theological probability. Thence equiprobabilism of St. Liguori and our moderate probabilism fall almost into the same thing. »]

> *» Adde cum Theologia Wirceburgensi, n. 252, iis qui cum debita moderatione probabilismo utuntur, sectando unice opiniones vere ac solide probabiles, « paucas esse opiniones manifeste et notabiliter probabiliores, et de quarum excesu certo constat, quaelibet ipsis affirmavit manifeste et notabiliter probabiliorem, quamdiu oppugnatum noscit, verae theologicae probabilitatem. Inde aequiprobabilismus S. Ligorii et probabilismus noster moderatus fere in idem recidunt. »]*

40 **Argument from consequences.**

> ***Argumentum ex consectariis.***

41 These consequences are set forth by the same Fr. Gury, ibid., n. 66-68. « 1° In the system of probabiliorists would follow a difficulty too grave for confessors. For a confessor would expose himself to danger of sinning through defect of sufficient diligence in weighing the various degrees of probability, especially in matter of restitution, when out of two equally probable opinions he followed one. For if he assumed the more benign opinion, he would sin by permitting that in which he apprehended probably existing deformity. If he acted according to the more rigid opinion, he would sin by imposing upon the penitent an uncertain yoke. Moreover, although the more rigid opinion appear to him more probable, when will he be certain that it really is such, and does not appear less probable to another confessor? Nor could anyone undertake the office of confessor unless perchance he were so versed in moral theology that he could certainly distinguish between more probable and less probable opinions: for the burden of doing includes the burden of knowing: but very few are able to perform this.

> *[Haec consectaria exponuntur ab eodem P. Gury, ibid., n. 66-68. « 1° Sequeretur in systemate probabilioristarum difficultas nimis gravis pro confessariis. Etenim confessarius se exponeret periculo peccandi ob defectum sufficientis diligentiae in perpendendis variis gradibus probabilitatis, praesertim in materia restitutionis, quando ex duabus opinionibus aeque probabilibus unam sequeretur. Si enim sententiam benigniorem assumeret, peccaret illud permittendo in quo deformitatem probabiliter existentem apprehenderet. Si juxta sententiam rigidiorem ageret, peccaret jugum incertum poenitenti imponendo. Insuper, licet sententia rigidior ipsi appareat probabilior, quandonam certus erit eam revera talem esse, atque alteri confessario oppositam probabiliorem non videri? Nec quisquam munus confessarii subire posset, nisi forte ita versatus foret in theologia morali, ut distinguere inter opiniones probabiliores et minus probabiles certo posset; onus enim faciendi includit onus sciendi : paucissimi autem hoc praestare valent.*

42 » Thence follows also that contradiction of confessors who, professing probabiliorism however they will, nevertheless not rarely say they cannot rigorously apply the principles of probabiliorism in the administration of the sacrament of penance, and therefore hold one thing in theory and something quite opposite in practice. Nor are wanting those who, placed in straits, easily judge more probable what elsewhere they held less probable. [This we ourselves above noticed, namely that greater probability is often merely subjective.] Would it not be better to establish and admit milder principles together with so many most wise doctors, and to draw them out more exactly into practice?

> *» Hinc sequitur etiam illa contradictio confessariorum qui, utut probabiliorismum profitentes, haud raro tamen dicunt se non posse in administratione sacramenti poenitentiae principia probabiliorismi rigorose applicare, et ideo aliud in theoria, aliud vero omnino oppositum in praxi tenent. Nec desunt qui, in angustiis constituti, facile id probabilius judicent quod alias minus probabile habebant. [Hoc ipsi supra animadvertimus, scilicet probabilioritatem saepe mere subjectivam esse.] Nonne praestaret principia mitiora cum tot sapientissimis doctoribus statuere et admittere, eaque exactius in praxim deducere?*

43 » 2° There would follow a most troublesome difficulty for the faithful.

> *» 2° Sequeretur molestissima difficultas pro fidelibus.*

44 For upon them would be imposed in doubts the obligation of inquiring which opinion is more probable: since the obligation of acting according to the more probable includes the necessary duty of inquiring it. Further, for the most part there is given moral impossibility of distinguishing between the more probable and the probable. And indeed I ask, whether I am bound to the more probable in itself or absolutely, or as regards me, or relatively? If the former, whence do I know it? If the latter,

again there is question of intrinsic or extrinsic probability. If of the latter, which school is to be followed? which doctors are to be consulted? If of the former, the difficulty grows: whence shall I know whether I am sufficiently fit for this judgment, whether I lie in invincible ignorance or not? Suspenseful therefore and pressed by doubts, what shall I do? Shall I recur to masters? But, on hypothesis, it is mine to judge. How many and how great straits therefore impend over the faithful from that necessity of following the more probable or safer, is manifest. — So Segneri, opusc. on Probability.

> *Etenim in dubiis imponeretur ipsis obligatio inquirendi, quaenam opinio sit probabilior : quippe obligatio operandi secundum probabiliorem includit necessarium officium eam inquirendi. Porro plerumque datur impossibilitas moralis distinguendi inter probabiliorem et probabilem. Et sane quaero, an tenear ad probabilius in se seu absolute, vel quoad me seu relative. Si prius, unde noscam? Si posterius, iterum agitur de probabilitate intrinseca vel extrinseca. Si de posteriori, qua schola sequenda? qui doctores interrogandi? Si de priori, crescit difficultas : unde sciam an sim satis ad hoc judicium idoneus, an in ignorantia invincibili verser, vel non? Anceps igitur dubiisque pressus, quid agam? Recurram ad magistros? At, ex hypothesi, meum est judicare. Quot itaque quantaeque angustiae impendeant fidelibus ex illa necessitate probabilius tutiusve sequendi, manifestum est. — Ita Segneri, opusc. de Probabilitate.*

45 » 3° There would follow perpetual fluctuation of doctrine. For from probabiliorism follows perpetual fluctuation of doctrine among probabiliorists themselves, as daily experience proves. But also from the very nature of probabiliorism arises that discrepancy. It is impossible indeed that they agree in fact; for, posited the obligation of following the opinion which appears to each more probable, necessarily some will resolve for the affirmative side, others for the negative. One will bind, another loose, and what appears to you more probable will easily seem to another equally or less probable. Thence follow confusion of decisions, perplexity of the faithful and straits; of modes, at least for the most part, it lacks. For only two things are to be weighed by probabilists, namely certain obligations and merely probable obligations. Although however true probability be not always established, yet no one does not see that, ordinarily speaking, it is much easier to discern whether solid reason or authority is had against a law than to bring forward some excess of probability. Therefore... etc. »

> *» 3° Sequeretur fluctuatio perpetua doctrinae. Ex probabiliorismo enim sequitur perpetua fluctuatio doctrinae inter ipsos probabilioristas, uti comprobat quotidiana experientia. Sed et ex ipsa natura probabiliorismi oritur ista discrepantia. Impossibile est siquidem ut reipsa conveniant; nam, posita obligatione sequendi opinionem quae cuique probabilior apparet, necessario alii pro affirmativa parte, alii pro negativa resolvent. Ligabit unus, solvet alter, et quod tibi probabilius apparebit, facile alteri aeque vel minus probabile videbitur. Hinc sequuntur confusio decisionum, perplexitas fidelium et angustiae modis, saltem plerumque, caret. Duo enim tantum sunt probabilistis perpendenda, scilicet obligationes certae et obligationes mere probabiles. Quamvis vero non semper constet de vera probabilitate, nemo tamen non videt, ordinarie loquendo, multo facilius esse discernere, an solida ratio vel authoritas contra legem habeatur, quam de excessu aliquo probabilitatis proferre. Ergo... etc. »*

46 4° To these inconveniences set forth by Fr. Gury is superadded the following, which seems grave to us. No one will deny that a confessor has no other office regarding the law than to apply it to the penitent after the manner of a judgment: whence in this part he is not legislator but only minister of the law. But, if the confessor be a probabiliorist, and as such impose upon the penitent observance of a doubtful law because it appears to him more probable, the opposite opinion remaining truly and solidly probable, he applies not the law but makes it, and by his own authority constitutes himself legislator, making out of a truly doubtful law a certain law; for above we proved, with St. Thomas,

that law cannot be imposed upon a subject unless it be a true law, that is unless it have been promulgated, such as a truly doubtful law is not. Therefore the confessor, in the case supposed, transgresses the limits of his mandate and subverts the order established.

> *4° His incommodis a P. Gury expositis, superadditur sequens, quod nobis grave videtur. Nemo diffitebitur confessarium non aliud munus habere quoad legem, quam eam poenitenti applicare per modum judicii : unde in hac parte non est legislator, sed tantum minister legis. Atqui, si confessarius sit probabiliorista, et ut talis imponat poenitenti observationem legis dubiae, quia ipsi probabilior apparet, opinione opposita vere ac solide probabili remanente, non applicat legem, sed eam conficit et propria authoritate seipsum legislatorem constituit, ex lege vere dubia legem certam faciens; nam supra probavimus, cum S. Thoma, legem non posse imponi subdito nisi sit vera lex, id est nisi fuerit promulgata, qualis non est lex vere dubia. Ergo confessarius, in casu supposito, limites mandati sui transgreditur et ordinem statutum subvertit.*

47 This last inconvenience can be invoked a fortiori against tutiorism, which moreover was condemned, as will be seen below.]

> *Hoc ultimum incommodum invocari potest a fortiori contra tutiorismum, quod de caetero fuit damnatum, ut infra videbitur.]*

48 **The objections are solved.**

> ***Solvuntur objectiones.***

49 [Obj. 1° from Scripture : It is read *Eccli.*, XI, 27 : *He that loveth danger shall perish in it.* Ibid., XXXVII, 20 : *Let the word of truth go before all thy works, and stable counsel before every act.* I Thessal., V, 22 : *From all appearance of evil refrain yourselves.* But he who practically follows the doctrine of probabilism, 1° loves danger, because he exposes himself to sin; 2° before his work has not the word of truth, for the opinion he passes over is doubtful; 3° has not before his act stable counsel, for the counsel he admits rests only on a fragile foundation; 4° refrains not from all appearance of evil, since transgression even of a doubtful law cannot be called good. Therefore. Thus argue the probabiliorists themselves.

> *[Obj. 1° ex Scriptura : Legitur* Eccli., *XI, 27 :* Qui amat periculum, in illo peribit. *Ibid., XXXVII, 20 :* Ante omnia opera tua verbum verax praecedat te, et ante omnem actum, consilium stabile. *I Thessal., V, 22 :* Ab omni specie mala abstinete vos. *Atqui qui doctrinam probabilismi practice sequitur, 1° amat periculum, quia se exponit peccato; 2° ante opus suum non habet verbum verax, nam opinio quam praeterit est dubia; 3° non habet ante actum suum consilium stabile, consilium enim quod admittit non nititur nisi fundamento fragili; 4° non abstinet ab omni specie mala, cum transgressio legis etiam dubiae bona dici non possit. Ergo. Sic argumentantur ipsi probabilioristae.*

50 *I answer.* 1°. This argument can be retorted upon the probabiliorists; for, even when they act against a doubtful law from the more probable opinion, or such as appears such to them, there is present materialiter danger of sinning, which is not wholly removed except when certainly the law does not exist; and the same must be said of other inconveniences they object, which, if lightly diminished in their system, are nevertheless not entirely turned away.

> Resp. *1°. Retorqueri potest hoc argumentum in probabilioristas; nam, etiam cum agunt contra legem dubiam ex opinione probabiliori, vel qua talis ipsis videtur, adest periculum peccandi materialiter, quod omnino non amovetur nisi cum certo lex non existit; et idem dicendum de aliis incommodis quae objiciunt, quae, si leviter minuuntur in eorum systemate, non tamen penitus avertuntur.*

51 *I answer.* 2° directly. Ad 1um. 1° There is treated there of final impenitence, as is evident from the context : *A hard heart shall have evil in the last end,* and *he that loveth danger shall perish in it.* Therefore this text is not aptly alleged here. 2° He who loves real danger shall perish in it. But, in our opinion, there is no danger of sin when one acts from right conscience. If perchance a truly existing law, that is objectively existing, be violated, sin will be merely material, and we are bound only to avoid formal sin. Therefore. — Ad 2um. If the opinion which the probabilist follows in the particular case be not intrinsically the word of truth, the reflex principle from which he forms his conscience is true, as we proved above; and since conscience is practically certain, the judgment whereby it is pronounced that the law is none and does not oblige accords with truth. Therefore. — Ad 3um. As to 2um. — Ad 4um. The Apostle indeed commands that one abstain from every act which offers the agent the appearance of sin. But, on hypothesis, the act does not offer the agent the appearance of sin, since morally certain is he that such act is opposed to no law. Therefore.

> Resp. *2° directe. Ad 1um. 1° Agitur ibi de impoenitentia finali, ut patet ex contextu :* Cor durum habebit male in novissimo, *et* qui amat periculum, in illo peribit. *Ergo non apposite allegatur hic textus. 2° Qui amat periculum reale, in illo peribit. Atqui, in nostra sententia, nullum est periculum peccati, cum ex conscientia recta agatur. Si forte lex vere, id est objective, existens violetur, peccatum erit mere materiale et peccatum formale tantum vitare tenemur. Ergo. — Ad 2um. Si opinio quam sequitur probabilista in casu particulari non sit intrinsece verbum verax, principium reflexum ex quo conscientiam suam format est verum, ut supra probavimus, et cum conscientia sit practice certa, judicium quo pronuntiatur legem esse nullam et non obligare, veritati consonat. Ergo. — Ad 3um. Ut ad 2um. — Ad 4um. Praecipit quidem Apostolus ut abstineatur ab omni actu qui agenti speciem peccati offert. Atqui, in hypothesi, actus non offert agenti speciem peccati, cum moraliter certus sit talem actum nulli legi opponi. Ergo.*

52 Obj. 2° : In canon law the following rule is everywhere enunciated : « In doubt the safer part is to be chosen. » But the probabilist embraces not the safer part; for the safer part is that which, standing for the law, would altogether remove sin. Therefore. So also the probabiliorists.

> *Obj. 2° : In jure canonico regula sequens passim enuntiatur : « In dubio pars tutior est eligenda. » Atqui probabilista partem tutiorem non amplectitur; nam pars tutior ea est quae, stans pro lege, peccatum omnino amoveret. Ergo. Ita etiam probabilioristae.*

53 *I answer.* 1°. I retort the argument. The probabiliorist embraces not the safer part; for, etc. Therefore. — Therefore recourse must be had to absolute tutiorism. But this system was condemned by the Church. Therefore.

> Resp. *1°. Retorqueo argumentum. Probabiliorista partem tutiorem non amplectitur; nam, etc. Ergo. — Ergo confugiendum est ad tutiorismum absolutum. Atqui hoc systema fuit ab Ecclesia damnatum. Ergo.*

54 *I answer.* 2° directly. 1° True it is that in practical doubt the safer part is to be chosen, if there be question standing while that doubt remains. But, although the speculative-practical doubt be not removed, the probabilist acts not with practical doubt, since his conscience, by means of a certain reflex principle, has been made morally certain about the honesty of the action. Therefore the alleged rule is invoked undeservedly against probabilism. 2° As above proved, this principle is restricted in law to doubts of fact, which become practical, and to cases in which the validity of acts to be placed ex officio is imperiled; these wander outside the present question, as will straightway be demonstrated. Therefore it cannot be objected against us.

Resp. 2° *directe. 1° Verum est quod in dubio practico pars tutior sit eligenda, si agatur stante illo dubio. Atqui, quamvis dubium speculative practicum non exutiatur, probabilista non agit cum dubio practico, cum ejus conscientia, ope principii reflexi certi, facta fuerit moraliter certa de honestate actionis. Ergo regula allegata immerito contra probabilismum invocatur. 2° Ut supra probatum est, hoc principium restringitur in jure ad dubia facti, quae fiunt practica, et ad casus in quibus validitas actuum ex officio ponendorum periclitatur, et extra quaestionem praesentem vagantur, ut mox demonstrabitur. Ergo non potest nobis opponi.*

55 Obj. 3° : several Fathers proclaimed diversely the above-cited axiom of canon law.

Obj. 3° : plures Patres axioma supra citatum juris canonici diversimode proclamasse.

56 *I answer.* : These authorities must be understood in that manner in which the axiom of law is interpreted. Moreover testimonies are not wanting whereby the doctrine of probabilism can be buttressed. Augustine says, Epist. 54, c. 2, n. 2 : « What is proved to be neither against faith nor against morals is to be held indifferent. » Greg. Naz., orat. 39 : « But if the matter is doubtful, let humanity and frailty conquer. »

Resp. *: has authoritates eo modo intelligendas esse quo axioma juris interpretatur. Aliunde non desunt testimonia quibus doctrina probabilismi fulciri potest. Aug. ait, Epist. 54, c. 2, n. 2 : « Quod neque contra fidem, neque contra mores esse convincitur, indifferenter habendum est. » Greg. Naz., orat. 39 : « Quod si dubia res est, vincat humanitas et fragilitas. »*

57 Obj. 4° : A probable opinion does not remain probable in the concurrence of a more probable one; for lesser probability is elided by greater. Therefore.

Obj. 4° : Opinio probabilis non remanet probabilis in concursu probabilioris; minor enim probabilitas a majori eliditur. Ergo.

58 *I answer.* I deny the antecedent. For if the opposite opinion is truly more probable, this happens from this that the other is probable; for the comparative supposes the positive. Whence, if what is objected were true, the more probable opinion would nowise be more probable, but certain. That this is false is manifest. — Moreover, reasons drawn from disparate principles not subordinate to each other cannot elide each other. For my reasons, notwithstanding opposite probability, and even greater probability, will stand in all their force, until you prove them false.

Resp. *Nego ant. Si enim opinio opposita est vere probabilior, hoc fit ex hoc quod altera est probabilis; nam comparativum supponit positivum. Unde, si quod objicitur verum esset, opinio probabilior jam non probabilior esset, sed certa. Hoc autem falsum esse manifestum est. — Insuper, rationes ex principiis disparatis et non subordinatis petitae se invicem elidere nequeunt. Rationes enim meae, non obstante opposita probabilitate, et etiam probabilioritate, in toto suo robore stabunt, usquedum eas falsas esse probaveris.*

59 Obj. 5° : Probabilists act not with moral certainty, nor even from a reflex principle, since they cannot call improbable the opinion opposed to their own. Therefore. So our Billuart, dissert. VI, art. 1 ^ 1.

Obj. 5° : Probabilistae non agunt cum morali certitudine, ne ex principio quidem reflexo, cum opinionem suae opinioni oppositam improbabilem dicere nequeunt. Ergo. Ita noster Billuart, dissert. VI, art. 1 ^ 1.

60 *I answer.* 1°. I retort it against the probabiliorists, from parity of reason.

Resp. *1°. Retorqueo contra probabilioristas, ex paritate rationis.*

61 *I answer.* 2° directly. Probabilists act not with moral

> Resp. 2° *directe. Probabilistae non agunt cum morali*

62 [1]

[1] Olim 118.

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> *[1] Olim 118.*

63 certainty from the direct principle taken from the very question, *I concede*; for, if it were so, certainty would occupy the place of probability. They act not with moral certainty concerning the honesty of the action acquired by means of a certain reflex principle, *I deny*; for probabilists discuss the practical doubt in the same manner as probabiliorists, namely rendering their conscience certain through principles sought outside the doubtful matter, whereby it is demonstrated that the probable law is not, for the agent, a true law which reaches him and binds him. *Therefore*.

> *certitudine ex principio directo ex ipsa quaestione sumpto,* conc.*; nam, si ita esset, certitudo locum probabilitatis occuparet. Non agunt cum morali certitudine de honestate actionis qua ope principii reflexi certi acquiri-tur,* nego*; dubium enim practicum discutiunt probabilistae eodem modo quo probabilioristae, scilicet conscientiam suam certam reddendo principiis extra rem dubiam quaesitis, quibus demonstratur, legem probabilem non esse, erga agentem, veram legem quae eum attingat et obstringat*. Ergo.

64 **Obj. 6°** : Prudence requires that sin be altogether avoided. But the probabilist avoids not altogether sin, since he does what he judges to be probably, or even more probably, sin. *Therefore* he acts imprudently. *Therefore* he sins.

> ***Obj. 6°** : Prudentia exigit ut peccatum omnino vitetur. Atqui probabilista non vitat omnino peccatum, cum faciat quod judicat esse probabiliter, vel etiam probabilius peccatum.* Ergo *imprudenter agit*. Ergo *peccat*.

65 *I answer.* 1°. I retort it against the probabiliorist, whose deed is also probably sin, and who by his own argument is compelled himself to embrace tutiorism.

> Resp. *1°*. Retorqueo *contra probabilioristam, cui quod agit est etiam probabiliter peccatum, et suo argumento cogitur ipse tutiorismum amplecti.*

66 *I answer.* 2° directly. I distinguish the major. Prudence requires that sin be altogether avoided, when the act is certainly and formally sin, I concede; when the act is not even certainly material sin and certainly is not formal sin, I deny. But the probabilist prudently judges his act not to be material sin, because a doubtful law, if perchance it exist objectively, he rationally holds as non-existing toward himself, through defect of due promulgation; and he pronounces with certainty, from the same unshaken principle, such an act not to be formal sin. *Therefore* he acts not imprudently. *Therefore* he does not sin.

> Resp. 2° directe. Dist. *maj. Prudentia exigit ut peccatum omnino vitetur, cum actus est certo et formaliter peccatum,* conc.*; cum actus nequidem est certo peccatum materiale et certo non est peccatum formale,* nego. *Atqui probabilista prudenter judicat actum suum non esse peccatum materiale, quia legem dubiam, si forte existat objective, rationabiliter tenet ut erga ipsum non existentem, defectu promulgationis debita; et certo pronuntiat, ex eodem principio inconcusso, talem actum non esse peccatum formale.* Ergo *non agit imprudenter.* Ergo *non peccat*.

67 **Obj. 7°** : To will something, even though perchance it be material sin, is to will formal sin. But thus acts the probabilist. *Therefore* he sins formally.

> ***Obj. 7°** : Velle aliquid, etiamsi forte sit peccatum materiale, est velle peccatum formale. Atqui ita agit probabilista.* Ergo *formaliter peccat.*

68 *I answer.* 1°. I retort it against the probabiliorist, who himself admits that an act done against a doubtful law can be material sin.

> Resp. *1°.* Retorqueo *contra probabilioristam, qui admit-tit ipse quod actus contra legem dubiam positus possit esse peccatum materiale.*

69 *I answer.* 2° directly. Let the major pass, and even it I concede. — I deny the minor. For the probabilist, judging prudently from a certain principle, holds that the law does not exist, does not admit his act to be materially evil, and wills it nowise under this respect. *Therefore* he does not sin formally.

> Resp. 2° directe. Transeat *maj. et etiam eam* conc. — Nego *min. Probabilista enim, prudenter judicando, ex principio certo, legem non existere, non admittit actum suum esse materialiter malum, et eum nullo modo vult sub hoc respectu.* Ergo *non peccat formaliter.*

70 **Obj. 8°** : If a sick man choose a remedy only probably efficacious, leaving another which is more probably efficacious, he acts imprudently. But greater care must be bestowed on the soul than on the body. *Therefore.* So Collet, with several other probabiliorists.

> ***Obj. 8°** : Si quis aegrotans eligat remedium probabiliter tantum efficax, relinquens aliud quod est probabilius efficax, imprudenter agit. Atqui adhibenda est cura major animae quam corporis.* Ergo. *Ita Collet, cum aliis probabilioristis non paucis.*

71 *I answer.* That this example is outside the question; for here there is question not of honesty of action but of efficacy of the remedy applied. Moreover the probabilist judges not only probably, but pronounces with certainty and legitimately that his act is not harmful to his soul.

> Resp. *hoc exemplum extra quaestionem esse; nam agitur hic, non de honestate actionis, sed de efficacitate medii adhibendi. Aliunde probabilista non judicat probabiliter tantum, sed certo et legitime pronuntiat actum suum non esse animae suae nocivum.*

72 **Obj. 9°** : A judge, in giving sentence, ought to follow the more probable opinion, as is evident from the condemnation of the following proposition by Innocent XI : « Probably I judge that a judge can judge according to an opinion even less probable. » Likewise, a physician licitly employs not a doubtful remedy, when there supplies to him a certain or more probably efficacious remedy. *Therefore*, in like manner, it is not licit, in acting, to follow a less probable opinion.

> ***Obj. 9°** : Judex, in ferenda sententia, sequi debet opinionem probabiliorem, ut patet ex damnatione sequentis propositionis ab Innocentio XI facta : « Probabiliter existimo, judicem posse judicare juxta opinionem etiam minus probabilem. » Item, medicus non adhibet licite remedium dubium, cum ipsi suppetit remedium certum vel probabilius efficax.* Ergo*, a pari, non licet, in agendis, sequi opinionem minus probabilem.*

73 *I answer.* The examples alleged in the antecedent are not to the point. For in this twofold case there is not question of moral honesty or of licitness of placing the action, but of the obligation of attaining a determined end through certain or apter means, by reason of office or quasi-contract. Indeed we

absolutely concede the antecedent of the argument, and shall demonstrate the same in the following article; but, parity denied, we deny the consequent and consequence.]

> Resp. *Exempla in antecedente allata non sunt ad rem. Non agitur enim in hoc duplici casu de honestate morali seu de liceitate actionis ponendae, sed de obligatione finem determinatum per media certa vel aptiora assequendi, ratione officii vel quasi contractus. Equidem antecedens argumenti absolute concedimus, et idem demonstrabimus in articulo sequenti; sed, negata paritate, negamus consequens et consequentiam.]*

74 Consequences.

> *Consectaria.*

75 [You gather from the foregoing :

> *[Colliges ex superioribus :*

76 1° If it be licit to follow an opinion truly and solidly probable concerning the honesty of an action, although the opposite be more probable, then a fortiori it is licit to act according to a more probable and most probable opinion favoring liberty. This need not now be demonstrated. Moreover, as regards the most probable, the following proposition of Sinnich was condemned, which is third among those

> *1° Si licitum sit sequi opinionem vere et solide probabilem de honestate actionis, etiamsi opposita sit probabilior, licet a fortiori agere secundum opinionem probabi-liorem et probabilissimam faventem libertati. Hoc non est jam demonstrandum. Caeterum, quoad probabilissimam, damnata est propositio sequens Sinnichii, qua est tertia ex*

77 31 condemned by Alexander III : « It is not licit to follow the most probable opinion among probable ones. » Besides, an opinion favoring liberty cannot be most probable without the opposite being slightly, or even most slightly, probable; and besides the reasons alleged above must be invoked the principle : « In moral matters little is reputed as nothing. » Whence then is had a certain kind of moral certitude of the non-existence of the law.

> *31 ab Alexandro III damnatis : « Non licet sequi opinionem vel inter probabiles probabilissimam. » Insuper, opinio libertati favens non potest esse probabilissima quin opposita sit tenuiter tantum vel etiam tenuissime probabilis, et praeter rationes superius allatas, invocandum est principium : « In moralibus parum pro nihilo reputatur. » Unde tune habetur quaedam certitudo moralis de non existentia legis.*

78 2° It is not licit to follow a slightly probable opinion, leaving the safer. For no one acts licitly unless he act prudently, that is unless he be morally certain of the honesty of his action. But, when the opinion favoring liberty is only slightly probable, from it one acts not with moral certainty concerning honesty of action, or prudently, since, on the contrary, practically it is morally certain that the law exists. *Therefore*. Whence was condemned by Innocent XI this proposition, n. 3 : « Generally speaking, trusting to intrinsic or extrinsic probability, how slight soever, provided one depart not from the bounds of probability, when we do something, we always act prudently. » Rejected likewise by Alexander VII, n. 27, was this other proposition which refers to extrinsic probability : « If it be free to any junior and modern author, the opinion must be held probable, provided it be not established that it was rejected by the holy apostolic See as improbable. » Which proposition must be understood in this sense, that the opinion be new, departing from common doctrine, its author reckoned by no title among theologians of good repute.

2° Non licet sequi opinionem tenuiter probabilem, relicta tutiore. Nam, nemo licite agit, nisi prudenter agat, id est nisi moraliter certus sit de honestate actionis suae. Atqui, quando opinio libertati favens est tantum tenuiter probabilis, ex ea non agitur cum morali certitudine de honestate actionis, seu prudenter, quia, e contra, practice moraliter certum est legem existere. Ergo. *Unde damnata fuit ab Innocentio XI haec propositio, n. 3 : « Generatim, dum probabilitate intrinseca seu extrinseca, quantumvis tenui, modo a probabilitatis finibus non exeatur, confisi, aliquid agimus, semper prudenter agimus. » Reprobata est pariter ab Alexandro VII, n. 27, haec altera propositio quae refertur ad probabilitatem extrinsecam : « Si liber sit alicujus junioris et moderni, debet opinio censeri probabilis, dum non constet rejectam esse a sancta Sede apostolica tamquam improbabilem. » Quae propositio intelligenda est in hoc sensu, quod opinio sit nova, a doctrina communi recedens, cujus author nullo titulo inter theologos bonae notae computatur.*

79 3° It is not licit to follow an opinion only probably probable against the law, because the probability favoring liberty is not true and solid, and it cannot prudently be pronounced that the law de jure does not exist toward the agent. He who acted from such probability would act only probably, that is in practical doubt and not with moral certainty of honesty of action. Further, he who thus acts acts not from conviction (ex fide), and sins.

3° Non licet sequi opinionem probabiliter tantum probabilem contra legem, quia probabilitas libertati favens non est vera et solida, et prudenter pronuntiari non potest legem de jure erga agentem non existere. Qui ex tali probabilitate ageret, probabiliter tantum ageret, id est in dubio practico et non cum morali certitudine de honestate actionis. Porro qui sic agit, non ex fide agit, et peccat.

80 4° It is not licit to follow an opinion probable to others, even more learned, which is actually improbable to the agent. The reason is because, while he thus judges, the action appears to him illicit, or at least not certainly licit; and acting against his own judgment he would inflict violence upon his conscience, and by reason of a practically practical doubt he would sin. Therefore no one ought to act according to another's opinion unless he know and approve the reasons on which it rests, or can at least prudently judge it safe to embrace the opinions of such a theologian, v. g., St. Liguori.

4° Non licet sequi sententiam aliis, etiam doctioribus, probabilem, qua agenti est actu improbabilis. Ratio est quia, quamdiu ita judicat, actio ipsi apparet ut illicita, vel saltem ut non certo licita, et contra judicium proprium agendo, vim conscientiae suae inferret, et ratione dubii practice practici peccaret. Non debet ergo aliquis secundum sententiam alienam agere, nisi rationes quibus nititur noscat et approbet, vel saltem prudenter judicare possit tutum esse talis theologi, v. g., S. Ligorii, opiniones amplecti.

81 5° Even if the opinion fighting against the law be truly and solidly probable and in itself licit to follow, it can happen, on account of circumstances, that someone in a particular case ought practically to pass over the safer part, lest he give scandal to those to whom he would seem to violate an existing law. Certainly he is not bound to decline the burden of a doubtful law, and certainly he is bound not to scandalize his neighbor. This pertains to the question of indirect obligation, elsewhere.

5° Etiamsi opinio contra legem militans sit vere et solide probabilis et in se licitum sit eam sequi, accidere potest, propter circumstantias, aliquis debeat in casu particulari partem tutiorem practice praetereire, ne scandalum praebeat iis quibus videretur legem existentem violare. Certe non tenetur onus legis dubiae declinare, et certo tenetur proximum non scandalizare. Hoc pertinet ad quaestionem obligationis indirectae, de qua alibi.

82 6° Mark diligently that the question of probabilism is one of strict right. We intend to prove this one thing, namely that no obligation exists of observing a truly doubtful law, so that in this case the

liberty of the agent remain whole, and there be not present danger of formally sinning by omitting such a law, even if in fact perhaps the law exists and the act done against it be in itself material sin, or better the matter of sin. Indeed he will be praiseworthy who, seized with zeal for perfection, studies in doubtful cases to avoid even possible material sin, denying himself the legitimate use of his liberty and acting just as if the doubtful law were a certain law. But this was not to be a hortatory discourse toward perfection, but rather it was to be established that those who follow the common ways are bound only by certain laws.]

> *6° Nota diligenter, quaestionem probabilismi esse juris stricti. Id unum probare intendimus, scilicet nullam existere obligationem legem vere dubiam observandi, ita ut in hoc casu libertas agentis integra maneat, et non adsit periculum formaliter peccandi, tali lege praetermissa, etiamsi de facto lex forsan existat et actus contra eam positus sit in se peccatum materiale, seu melius materia peccati. Equidem laudandus erit qui, zelo perfectionis correptus, studebit, in casibus dubiis, etiam peccatum materiale possibile vitare, usum legitimum libertatis suae abnegando et agendo non secus ac si lex dubia esset lex certa. Sed hic non instituendus erat sermo hortatorius ad perfectionem, bene vero statuendum eos qui vias communes sequuntur nonnisi legibus certis obstringi.]*

On the use of probability, and the special rules by which conscience is practically formed in doubts

[1] [For the whole matter of this article we have drawn from the Compendium of P. Gury, from n. 75 to n. 80. (Edit. Dumas.)

> *[Totius hujus articuli materiam e Compendio P. Gury hausimus, a n. 75 ad n. 80. (Edit. Dumas.)*

[2] « Besides the general principles by which the theory of probabilism is established, namely : « No obligation is to be imposed, unless it be certainly known of it ; » or : « A doubtful law does not oblige ; » [or : « Better is the condition of the possessing liberty, »] there are also enumerated certain special rules by which those principles are confirmed, or applied in particular cases. They are however the following :

> *« Praeter principia generalia quibus theoria probabilismi statuitur, scilicet : « Non est imponenda obligatio, nisi de ea certo constet ; » vel : « Lex dubia non obligat ; » [vel : « Melior est conditio libertatis possidentis, »] recensentur etiam nonnullae regula speciales quibus ea principia confirmantur, vel in particularibus casibus applicantur. Sunt autem sequentes :*

[3] » I. — In doubt one must stand for him for whom the presumption stands. The reason is, because presumption usually produces moral certitude, at least wide. Hence, if you are accustomed diligently to recite your Breviary at such a time, and doubt whether you have recited some part, the presumption favors you and exempts you from the obligation of reciting or repeating. Likewise, if you doubt whether a superior justly commands or dispenses, the presumption stands for him; because he may be led by reasons unknown to you, or is held to judge prudently concerning known ones. Moreover right order and the common good require that in such a case deference be shown to him. — Thus theologians commonly.

> *» I. — In dubio standum est pro eo pro quo stat praesumptio. Ratio est, quia praesumptio plerumque efficit certitudinem moralem, saltem latam. Hinc, si soleas tali tempore diligenter recitare Breviarium, et dubites an aliquam partem recitaveris, praesumptio tibi favet et te ab obligatione recitandi seu repetendi eximit. Item, si dubites utrum superior juste praecipiat vel dispenset, pro illo stat praesumptio; quia is rationibus tibi incognitis duci potest, vel de cognitis prudenter judicare censetur. Insuper rectus ordo et bonum commune exigunt ut in tali casu ipsi deferatur. — Ita communiter theologi.*

[4] » II. — In doubt judgment must be made from what ordinarily happens. This axiom is commonly received. S. Lig. passim. — This rule falls back almost into the preceding, since in both the presumption is the reason of judging thus. But the former extends more widely, since presumption can be drawn not only from what ordinarily happens, but also from particular circumstances. — S. Lig., ibid.

> *» II. — In dubio judicandum est ex ordinarie contingentibus. Axioma est communiter receptum. S. Lig. passim. — Recidit haec regula ferme in praecedentem, cum in utraque praesumptio sit ratio ita judicandi. Sed prior latius patet, siquidem praesumptio erui potest, non tantum ex ordinarie contingentibus, sed etiam ex particularibus circumstantiis. — S. Lig., ibid.*

[5] » III. — In doubt one must stand for the validity of the act. This rule is of civil law, applied commonly even in theological matters. This must be understood if the principal fact be certain, and doubt arise about some circumstance or condition necessary, or about the due mode : v. g., if you doubt whether you confessed your sin with sufficient sorrow, you are not bound to confess again. — S. Lig., lib. I, n. 26, etc. — This principle seems also to be understood, 1° in favor of liberty, provided the contrary presumption does not stand in the way, nor the common good of the state or of religion; 2° against liberty in the external forum, or even in the internal forum, when the public good is concerned, v. g., contracts, especially matrimony. But the reason why that principle should not be applied in every case against liberty is sought from another principle recalled above, namely : « No obligation is to be imposed, unless it be certainly known of it. » Moreover, nothing is known of an obligation unless some evident reason of justice, religion, public good, or of another end necessarily to be obtained urge it. — S. Lig., lib. I, n. 26 ; lib. VI, n. 505. — Voit, n. 38.

> *» III. — In dubio standum est pro valore actus. Regula est juris civilis, etiam in rebus theologicis communiter applicata. Hoc intelligendum est, si factum principale sit certum, et dubitetur de aliqua circumstantia vel conditione necessaria, aut de modo debito : v. g., si dubites an cum sufficienti dolore peccatum confessus fueris, non teneris iterum confiteri. — S. Lig., lib. I, n. 26, etc. — Principium istud videtur etiam intelligendum, 1° in favorem libertatis, modo non obstet contraria praesumptio, aut bonum commune reipublicae vel religionis; 2° contra libertatem in foro externo, vel etiam in foro interno, cum agitur de bono publico, v. g., de contractibus, praesertim de matrimonio. Ratio autem cur illud principium non sit applicandum in omni casu contra libertatem, petitur ex alio principio superius memorato, nempe : « Non est imponenda obligatio, nisi de ea certo constet. » Porro, non constat de obligatione, nisi urgeat aliqua evidens ratio justitiae, religionis, boni publici, vel alterius finis necessario obtinendi. — S. Lig., lib. I, n. 26 ; lib. VI, n. 505. — Voit, n. 38.*

[6] » IV. — In doubt favors are to be extended and odious things restricted (*Reg.* jur. can. 15, in Sexto); that is, in doubt the more benign things are to be preferred. Whence, according to this principle and the more common interpretation, these things seem to be laid down : 1° Whenever odious things and favors can be separated, odious things are to be restricted and favors extended as far as can be done, without violence being offered to the sense of the words. 2° If odious things and favors be indivisible, then judgment must be made concerning the intention of the legislator from his own words, from the subject matter, or from the attached circumstances. 3° If the intention of the legislator cannot be clearly determined, more attention must be given to the favor than to the odious thing. — S. Lig., lib. I, n. 99.

> *» IV. — In dubio favores sunt ampliandi et odia restringenda (*Reg. *jur. can. 15, in Sexto); id est, in dubio benigniora sunt praeferenda. Unde, secundum hoc principium et communiorem interpretationem, haec statuenda videntur : 1°*

Quoties odia et favores separari possunt, odia sunt restringenda et favores ampliandi, quantum fieri potest, quin vis sensui verborum inferatur. 2° Si odia et favores sint indivisibilia, tunc de intentione legislatoris ex ipsius verbis, ex subjecta materia, aut ex adnexis circumstantiis judicandum est. 3° Si intentio legislatoris determinari clare nequeat, magis attendendum est ad favorem quam ad odium. — S. Lig., lib. I, n. 99.

7 » Odious here is understood whatever tends toward punishment, or injures the right of a third party, or is opposed to common law. Favor truly, or the favorable, is whatever indulges liberty, or grants grace, without damage to private persons, or to the community, or to the law itself.

» Odiosum autem hic intelligitur quidquid tendit ad poenam, vel laedit jus tertii, aut juri communi opponitur. Favor vero, seu favorabile, est quidquid libertati indulget, vel gratiam concedit, sine privatorum, aut communitatis, aut juris ipsius detrimento.

8 » V. — In obscure cases, what is least is to be held (*Reg.* jur. can. 30, in Sexto). This rule is thus to be understood. Where nothing is known of the true sense of a law or statute, and neither by previous inquiry, nor from the nature of the thing, nor from the context of the words, or the custom of the place, or any other circumstance can it be determined, the less burdensome interpretation, or the one more benign toward liberty, is to be admitted. The reason is, because the legislator is not held to wish to oblige beyond what he clearly expresses in the law. Hence in doubt concerning the quantity of punishment to be inflicted, the least is to be chosen. Likewise, if it be not certainly known of the offense, the accused must be absolved.

*» V. — In obscuris, quod minimum est tenendum (*Reg. *jur. can. 30, in Sexto). Sic intelligenda est haec regula. Ubi non constat de vero sensu legis vel statuti, et inquisitione praemissa, neque ex natura rei, neque ex contextu verborum, aut loci consuetudine, aliave circumstantia determinari potest, interpretatio minus onerosa seu libertati benignior admittenda est. Ratio est, quia legislator non censetur velle obligare ultra id quod clare in lege exprimitur. Hinc in dubio de quantitate poenae infligendae, minima eligenda est. Item, si non certo constet de delicto, reus absolvendus est.*

9 » VI. — In doubt of fact, the following axioms or rules of civil law, received among all, avail : 1° In doubt, a fact is not presumed, but must be demonstrated. This however is to be understood of doubt concerning the principal act : v. g., if it be doubtful whether someone struck another, this fact ought not be presumed, but he who affirms must prove it positively. 2° In doubt the fact is presumed, or rightly done, which was to be done by law. This is understood of doubt concerning an accessory act, the certitude of the principal act being supposed; for if something was to be done by law, or if it is wont ordinarily to be done, or be favorable to the doer, it is presumed to have been done. 3° In doubt no one is presumed evil unless he be proved. This holds whenever there is question of doubt about some crime. For it ought not be imputed to him unless it be certainly known of him. Since therefore crimes are not presumed, neither is anyone presumed evil, but he must be proved.

» VI. — In dubio facti, valent sequentia axiomata seu regulae juris civilis apud omnes receptae : 1° In dubio, factum non praesumitur, sed demonstrari debet. Hoc autem intelligendum est de dubio circa actum principalem : v. g., si dubium sit an quispiam alium percusserit, hoc factum praesumi non debet, sed qui affirmat debet illud positive probare. 2° In dubio praesumitur factum, seu recte factum, quod de jure faciendum erat. Hoc intelligendum de dubio circa actum accessorium, supposita certitudine actus principalis; si quid enim de jure faciendum erat, aut si ordinarie fieri soleat, aut sit favorabile facienti, praesumitur factum esse. 3° In dubio nemo malus praesumitur, nisi probetur. Hoc valet, quoties agitur de dubio alicujus delicti. Illud enim imputari non debet, nisi de eo certo constet. Cum igitur delicta non praesumantur, nec malus quisquam praesumitur, sed probandus est.

10 » VII. — In doubt the safer part is to be chosen (*Reg.* jur. can. passim). This rule must be restricted to cases of practical doubt, or to those in which the end must be necessarily obtained, namely where probability would not remove the danger which the law commands to be altogether avoided, as, v. g., in confecting the sacraments : which is clear from all that has been set forth hitherto. But if it be extended to speculative doubts, the rule or precept ceases, but it is mere counsel.

> *» VII. — In dubio pars tutior est eligenda (*Reg. *jur. can. passim). Haec regula restringenda est ad casus dubii practici, vel ad eos in quibus finis est necessario obtinendus, nempe ubi probabilitas non removeret periculum quod lex praecipit omnino cavendum, ut, v. g., in sacramentis conficiendis : quod ex omnibus hucusque expositis compertum est. Si autem extendatur ad dubia speculativa, cessat regula seu praeceptum, sed est merum consilium.*

11 » You will ask 1° whether it is licit to use probability not only in matter of positive law, but also in matter of divine and natural law.

> *» Quaerès 1° an licitum sit uti probabilitate, non tantum in materia juris positivi, sed etiam in materia juris divini et naturalis.*

12 » *I answer.* affirmative, because in every kind of matter it can happen that nothing be certainly known of the existence of the law, namely whenever true and solid probability militates against it, and consequently of such a law there is given ignorance truly invincible. Moreover God, author of the law and principle of natural order, is not held to wish to oblige us when we invincibly ignore the existence of the law. — Lacroix, etc.

> *» Resp. affirmative, quia in qualibet materia contingere potest ut non constet de legis existentia, quoties nempe contra militat vera et solida probabilitas, ac proinde de tali lege datur ignorantia vere invincibilis. Porro Deus, author legis et principium ordinis naturalis, non censetur velle nos obligare, quando invincibiliter legis existentiam ignoramus. — Lacroix, etc.*

13 » You will ask 2° whether a confessor can or ought absolve a penitent who wishes to follow an opinion indeed probable, but opposed to the opinion which he himself holds.

> *» Quaerès 2° an confessarius possit vel debeat absolvere poenitentem qui vult sequi opinionem probabilem quidem, sed oppositam sententiae quam ipse tenet.*

14 » *I answer.* affirmative, if the penitent adhere to a probable opinion with formed conscience. The reason is, because the penitent has the right of following a truly probable opinion, nor has the confessor the right of imposing his own opinions upon him, even though they seem more probable to himself. For the confessor is not judge of the opinions which the penitent is bound to follow, but is only judge of the disposition of his penitent, as appears from Trident., sess. XIV, c. 3. — So S. Lig., lib. VI, n. 604, and others commonly.

> *» Resp. affirmative, si poenitens adhaereat sententiae probabili cum conscientia efformata. Ratio est, quia poenitens habet jus sequendi opinionem vere probabilem, nec confessarius jus habet illi imponendi proprias opiniones, etiamsi probabiliores ipsi videantur. Confessarius enim non est judex opinionum quas poenitens sequi teneatur, sed est tantum judex dispositionis sui ponitens, ut patet ex Trident., sess. XIV, c. 3. — Ita S. Lig., lib. VI, n. 604, et alii communiter.*

15 » You will ask 3° whether extrinsic probability constitutes a truly probable opinion.

> *» Quaeres 3° an probabilitas extrinseca constituat opinionem vere probabilem.*

16 » *I answer.* affirmative, at least speaking generally. Nay, in questions whose solution greatly depends upon the estimation of prudent men, greater authority constitutes greater probability. For it is difficult for anything to be extrinsically probable without there being grave reason for it. But such a reason must reasonably be presumed present, when many and grave authors hold some opinion probable, since it is deservedly conceded that they perceived the truth of the thing and saw it to rest upon solid motives. Hence St. Thomas : « One of small science is more certified concerning what he hears from a scientific man than concerning what seems to himself according to his own reason. » IIa IIae, q. 4, a. 8. — There is added also the authority of the holy Penitentiaria. For the Holy Congregation, interrogated whether the confessor who follows the doctrine of St. Liguori ought to be disturbed, without weighing his reasons, but only on account of his authority, answered negatively; and this answer was approved by the Sovereign Pontiff Gregory XVI. Therefore extrinsic probability supposes intrinsic. Therefore.

> *» Resp. affirmative, saltem generatim loquendo. Imo, in quaestionibus quarum solutio magnopere pendet a prudentum aestimatione, major authoritas majorem constituit probabilitatem. Nam difficile est aliquid esse extrinsece probabile, quin pro eo sit ratio gravis. Rationabiliter autem praesumi debet adesse talem rationem, quando multi et graves authores tenent aliquam opinionem esse probabilem, quippe rei veritatem perspexisse et solidis motivis eam inniti vidisse merito consentur. Hinc S. Thomas : « Aliquis parvae scientiae magis certificatur de eo quod audit ab aliquo scientifico, quam de eo quod sibi secundum suam rationem videtur. » 2° 2*, q. 4, a. 8. — Accedit etiam authoritas S. Poenitentiariae. Etenim S. Congregatio interrogata, utrum sit inquietandus confessarius qui sequitur doctrinam S. Ligorii, quin rationes ejus perpendat, sed tantum propter ejus authoritatem, respondit negative; et hoc responsum fuit a Summo Pontifice Gregorio XVI approbatum. Ergo probabilitas extrinseca intrinsecam supponit. Ergo.*

17 » I said, at least speaking generally, because, if sometime perchance you discover that authors, even many and grave ones, erred in asserting the probability of some opinion, their whole authority, however great it finally be, together with all that extrinsic probability, will no longer make this opinion truly probable to you.

> *» Dixi, saltem generaliter loquendo, quia, si aliquando forte detegas errasse authores etiam multos et graves in asserendo opinionis alicujus probabilitate, tota eorum authoritas, quantacumque demum sit, totaque illa probabilitas extrinseca jam non efficiet ut haec opinio sit tibi vere probabilis.*

18 » You will ask 4° what should be thought of that principle most familiar to not a few probabilists : He who acts probably acts prudently.

> *» Quaeres 4° quid sentiendum sit de illo principio probabilistis non paucis familiarissimo : Qui probabiliter agit, prudenter agit.*

19 » *I answer.* Very many and most grave doctors, who used that saying, employed it as a proximate rule of acting, not however as a principle by which they would prove the truth of their doctrine concerning probable opinions. Certainly this principle is false, if it be held as primary and as having force of itself. The reason is, because an action cannot be prudent by force of probability alone, but holds that from certitude alone. But it is true, if held only as it was held by those learned men, as the consequence of another primary principle which is per se the ultimate rule of acting, such as this can be : A doubtful law does not oblige; or : No obligation exists, unless it be certainly known of it.

> *» Resp. Plurimi gravissimique doctores, qui hoc effato usi sunt, illud usurparunt instar regulae agendi proxime, non autem principii quo veritatem suae doctrinae circa probabiles opiniones comprobarent. Certe principium istud falsum est,*

si habeatur ut principium primarium et per se vim habens. Ratio est, quia actio nequit esse prudens vi solius probabilitatis, sed id habet ex sola certitudine. Est autem verum, si habeatur tantum, prout ab his doctis viris habebatur, ut consequentia alterius principii primarii quod sit per se regula ultima agendi, quale istud esse potest : Lex dubia non obligat; vel : Non est obligatio, nisi de ea certo constet.

20 » You will ask 5° how that axiom is to be understood : In doubt better is the condition of the possessor, and what is its use in forming conscience.

» Quaeres 5° quomodo intelligendum sit axioma : In dubio melior est conditio possidentis, et quinam ejus usus in conscientia efformanda.

21 » This axiom, in the external forum both ecclesiastical and civil, is received as a certain rule of judgments. For rule 65 of law in Sexto stands thus : In equal crime or cause, the condition of the possessor is stronger, and L. 128, § de div. reg. juris says : In an equal cause, the possessor ought be held the stronger. It is asked however whether it avails also as regards conscience to be formed, that is, as regards the internal forum; and if it avail, what that possession is, and what doubt, in which is said better condition of the possessor.

» Axioma istud in foro externo tum ecclesiastico tum civili receptum est tamquam regula judiciorum certa. Regula enim 65 juris in Sexto sic se habet : In pari delicto vel causa, potior est conditio possidentis, et L. 128, § de div. reg. juris dicitur : In pari causa, possessor potior haberi debet. Quaeritur autem utrum valeat etiam quoad conscientiam efformandam, id est quoad forum internum; et si valeat, quaenam sit illa possessio, quodnamve dubium in quibus dicitur esse melior conditio possidentis.

22 » *I answer* 1°. That this axiom has the same force in the internal and in the external forum is evident from the testimony of almost all theologians, who use it most frequently to solve cases pertaining only to conscience. It is evident also from this, that, as Suarez noted (de Voto, lib. IV, c. 5, n. 11), « where there is no proceeding from presumption, » or from a false cause of supposition, « the law of conscience and of ecclesiastical judgment is the same. » Cf. also Suarez, de Cens., disp. 40, sect. 3, n. 16. — Lugo, de Justit. et Jure, disp. 23, n. 110. — S. Lig. lib. I, n. 26.

» Resp. 1°. Eamdem esse vim hujus axiomatis in interiori ac in exteriori foro, constat ex testimonio omnium pene theologorum, qui eo frequentissime utuntur, ut casus solvant ad solam conscientiam spectantes. Constat etiam eo quod, prout notavit Suarez (de Voto, lib. IV, c. 5, n. 11), « ubi non proceditur ex praesumptione, » seu ex falsa causa suppositione, « idem est jus conscientiae et ecclesiastici judicii. » Cf. etiam Suarez, de Cens., disp. 40, sect. 3, n. 16. — Lugo, de Justit. et Jure, disp. 23, n. 110. — S. Lig. lib. I, n. 26.

23 » *I answer* 2°. Certain authors judged this axiom to hold only in matter of justice, or as regards possession belonging to the right of property, among whom Pilluart, de Actib. hum., diss. VI, a. 2, obj. 3. But truly the far more common and more certain opinion asserts the same to hold also in matter of other virtues. So Suarez, de Voto, lib. IV, c. 5, n. 7 and seqq. — Sanchez, de Matrim., lib. II, disp. 41, n. 31. — Castropal., de Consc. dub., resol. 2. — Lacroix, lib. I, n. 502, and many others whom S. Lig. approves, loc. cit. The reason is, because peaceful exercise, or possession or quasi possession, not only of proprietary right, but of any other right whatsoever, namely of commanding, of acting or not acting, etc., when they are certain, furnish a certain title for retaining what is had, while it is not proved that it ought not be retained; for, in general, against a certain title a merely doubtful title cannot prevail. Thus, in matter of obedience, the subject in doubt owes obedience to

the superior who is in possession of the right of commanding, as Lacroix demonstrates from canonical law, the holy Fathers and reason, lib. I, n. 432.

> *» Resp. 2°. Hoc axioma valere tantum in materia justitiae, seu quoad possessionem quae ad jus proprietatis spectat, censuerunt nonnulli, inter quos Pilluart, de Actib. hum., diss. VI, a. 2, obj. 3. At vero sententia longe communior et certior asserit idem valere in aliarum etiam virtutum materia. Ita Suarez, de Voto, lib. IV, c. 5, n. 7 et seqq. — Sanchez, de Matrim., lib. II, disp. 41, n. 31. — Castropal., de Consc. dub., resol. 2. — Lacroix, lib. I, n. 502, et alii multi quos approbat S. Lig., loc. cit. Ratio est, quia exercitium pacificum, seu possessio aut quasi possessio, non solum juris proprietarii, sed cujuscumque alterius juris, puta imperandi, agendi vel non agendi, etc., quando certa sunt, titulum praebent certum retinendi id quod habetur, quamdiu non probatur id retinendum non esse; namque, in genere, contra titulum certum praevalere nequit titulus mere dubius. Sic, in materiae obedientiae, superiori qui est in possessione juris imperandi subditus in dubio tenetur obedire, uti ex jure canonico, SS Patribus et ratione demonstrat Lacroix, lib. I, n. 432.*

24 » *I answer* 3°. In practical or negative doubt, according to all, better is the condition of the possessor; but not, according to many, in opinionative doubt, or where true and solid probability opposes the possessor; for they judge that then the presumption ceases which otherwise could be alleged in his favor[1]

[1] How you ought rightly use the principle praised above, you have in Suarez, in Ia IIae, tract. 3, disp. 12, sect. 5, n. 7 : « If it be simply doubted concerning the whole law, that is, whether it be promulgated or not, the general rule is, not to oblige. The reason can be sought from that principle, that in doubt better is the condition of the possessor; but man contains [that is, possesses] his liberty. But if the law and its sense be known, it can be doubted whether in this case it oblige; and then the general rule is, if there be no sufficient and probable reason for excusing, then the law must be obeyed, because itself or a superior contains its right. »

> *» Resp. 3°. In dubio practico vel negativo, juxta omnes, melior est conditio possidentis; non autem, juxta multos, in dubio opinativo, seu ubi vera et solida probabilitas possessori adversatur; arbitrantur enim tunc cessare praesumptionem quae secus in ejus favorem allegari potuisset[1]*
>
> *[1] Quomodo recte uti debeas principio supra laudato, habes apud Suarez, in 1am 2ae, tract. 3, disp. 12, sect. 5, n. 7 : « Si simpliciter dubitatur de tota lege, id est, an sit lata necne, generalis regula est, non obligare. Ratio peti potest ex illo principio, quod in dubio melior est conditio possidentis; homo autem continet [id est, possidet] libertatem suam Si vero constet de lege et sensu ejus, dubitari potest an in hoc casu obliget; et tunc generalis regula est, si nulla sit sufficiens ratio probabilisque ad excusandum, tunc obediendum esse legi, quia ipsa vel superior continet jus suum. »*

25 » You will ask 6° : If you doubt whether you have already satisfied some obligation, are you still bound to satisfy?

> *» Quaeres 6° : Si dubites utrum alicui obligationi jam satisfeceris, tenerisne adhuc satisfacere ?*

26 » *I answer* 1° entirely affirmative, whenever there is question of doubt properly so called, or of negative doubt, or of practical doubt. The reason is, because in such doubt it is never lawful to act against the law, as follows from the principles posited above.

> *» Resp. 1° affirmative prorsus, quoties agitur de dubio proprie dicto, seu de dubio negativo, aut de dubio practico. Ratio est, quia in tali dubio nunquam contra legem agere licet, ut sequitur ex principiis supra positis.*

27 » *I answer* 2°. But if there be question of positive doubt, or of true and solid probability, it is controverted.

> *» Resp. 2°. Si autem agatur de dubio positivo, seu de vera et solida probabilitate, controvertitur.*

28 » The first opinion affirms. The reason is deduced from this principle commonly admitted : « A certain obligation is not satisfied by doubtful fulfillment. » For a law once existing and commanding has the right of demanding rigorous obedience or undoubting fulfillment of the obligation. Moreover, when you doubt, or esteem only probably, or indeed more probably, that you fulfilled the law, you have by no means satisfied it rigorously. *Therefore* it still urges and presses you until you shall have certainly satisfied. — Besides, equity requires that what we concede to liberty, in equal condition, we deny not to the law. But we concede to certain liberty that it cannot be bound by a doubtful law. *Therefore* it must be conceded to a certain law that it cannot be loosed by deobligation or by doubtful fulfillment. — Finally, in doubt better is the condition of the possessor. But a law certainly existing possesses against liberty, which it holds bound to itself. *Therefore* in doubt it prevails against liberty. — S. Lig., lib. I, n. 28 and 29, who in this place, and in many others, seems to have fully retracted whatever he had written to the contrary, v. g., n. 99 toward the end[1]. Almost unanimously his disciples follow the master. Scavini, tom. I, n. 87, edit. Paris. — Neyraguet, c. 3, inf. 2. — Gousset, n. 87. — Panzuti, n. 20. — Müller, § 84, reg. 1, etc. From others may be cited Voit, n. 39 and de Voto, n. 587. — Filliuc, Collet, Antoine, etc.

1 St. Lig. says, lib. I, n. 29: « If anyone judges probably that he has already satisfied a vow, is he bound, this notwithstanding, to fulfill it? Many authors deny, namely Roncaglia, de Praecept. decal., c. 2, de voto, q. 4; Salmant., eod. tit., tract. 17, c. 1, punct. 6, § 2, n. 145, with Layman; Lugo, de Poenit., disp. 16, n. 60, and others; because, as they say, since the obligation of the law in that case is doubtful, the possession of the law becomes doubtful also. Formerly I thought this opinion probable, led rather by extrinsic than by intrinsic probability. But, the matter better weighed, now I in no wise esteem it probable. Whence I say the opposite must be held, with Concina, tom. III, diss. 2, de Voto, c. 4, n. 10; Antoine, de Relig., c. 3, de Voto, q. 5; Filliuc., Leander and others. The reason, because when a vow has been emitted doubtfully, it is rightly said there is no obligation of fulfilling it, for then liberty possesses. When however the vow is certain, this liberty remains bound by the obligation of the vow until the vow be certainly fulfilled. Then alone could the first opinion be admitted, when the probability were such as to make presumable with a certain moral certitude that satisfaction had already been made to the vow. But what we said of a vow must be understood also of the satisfaction of sacramental penance. » The same the holy Doctor says, lib. VI, n. 477, concerning the doubt whether one who has confessed a mortal sin certainly committed has sinned or not, and there he refers himself to the opinion declared by him here concerning a vow. Can it be affirmed that from this twofold retraction, as regards particular cases, he wholly departed from the opposite doctrine? The contrary seems proved from what he has in the same book I, n. 99: « What if you doubt whether you fulfilled the law? In a negative doubt, you are bound to fulfill; otherwise in positive. » And lib. IV, n. 290: « In doubt concerning custom [namely derogating from the law], the precept possesses, whence dispensation must be sought; otherwise, if it be probable that custom is present. » And again in the same book, n. 112, q. 3, de inhabilitate ad obtinenda beneficia, § Secunda sententia, he writes: « Here we are not concerned with doubt, but with probable opinion… But when it is probable that the law has been abolished, then the presumption for the law ceases, and liberty possesses. » Whence Ant. Ballerini concludes, annot. on the place of Gury cited above : « Therefore St. Alphonsus surely changed his opinion as regards the special question of a vow, not truly as regards the general principle. And indeed that resolution concerning a vow seems to be understood of him who is uncertain whether he has performed anything toward fulfilling the vow or not; but not of him who has done something, and is uncertain only whether it suffices for fulfilling the promise. For otherwise a hundred times, nay a thousand times, St. Alphonsus inculcates that he is safest in conscience who, as regards obligations, follows probable judgment, since his whole moral work rests upon this principle. »

» Prima sententia affirmat. Ratio deducitur ex hoc principio communiter admisso : « Non satisfit obligationi certa per adimpletionem dubiam. » Etenim lex semel existens et imperans, jus habet exigendi rigorosam obedientiam seu indubiam obligationis impletionem. Porro, quando dubitas, vel tantum probabiliter, aut etiam probabilius existimas te legem adimplevisse, ipsi rigorose minime satisfecisti. Ergo *adhuc te urget et premit, usquedum certo satisfeceris. — Praeterea,*

equitas postulat ut id quod libertati concedimus, legi quoque, in pari conditione, non denegemus. Atqui concedimus libertati certae ut non possit ligari per legem dubiam. Ergo *concedendum est legi certae ut non possit solvi per deobligationem seu per adimpletionem dubiam. — Tandem, in dubio melior est conditio possidentis. Sed lex certo existens possidet contra libertatem, quam sibi obligatam habet.* Ergo *in dubio praevalet contra libertatem. — S. Lig., lib. I, n. 28 et 29, qui in hoc loco, pluribusque aliis, videtur plene retractasse quidquid in contrarium scripserat, v. g., n. 99 versus finem*[1]*. Magistrum sequuntur fere unanimiter ejus discipuli. Scavini, tom. I, n. 87, edit. Paris. — Neyraguet, c. 3, inf. 2. — Gousset, n. 87. — Panzuti, n. 20. — Müller, § 84, reg. 1, etc. Ex aliis citari possunt Voit, n. 39 et de Voto, n. 587. — Filliuc, Collet, Antoine, etc.*

[1] *S. Lig. dicit, lib. I, n. 29: « Si quis probabiliter judicat jam voto satisfecisse, an teneatur, hoc non obstante, illud implere? Negant plures authores, nempe Roncaglia, de Praecept. decal., c. 2, de voto, q. 4; Salmant., eod. tit., tract. 17, c. 1, punct. 6, § 2, n. 145, cum Layman; Lugo, de Poenit., disp. 16, n. 60, et alii; quia, ut aiunt, cum obligatio legis eo casu sit dubia, fit dubia etiam legis possessio. Olim probabilem hanc opinionem putavi, ductus magis a probabilitate extrinseca quam intrinseca. Sed, re melius perpensa, nunc minime illam probabilem censeo. Hinc oppositam dico tenendam, cum Concina, tom. III, diss. 2, de Voto, c. 4, n. 10; Antoine, de Relig., c. 3, de Voto, q. 5; Filliuc., Leandr. et aliis. Ratio, quia, cum votum est dubie emissum, recte dicitur non adesse obligationem illud implendi, tunc enim possidet libertas. Cum tamen votum est certum, libertas haec ligata remanet ab obligatione voti, donec votum certe sit impletum. Tum tantum prima sententia admitti posset, cum probabilitas esset talis, quod praesumere faceret quadam certitudine morali voto jam fuisse satisfactum. Quod autem diximus de voto, intelligendum est etiam de satisfactione poenitentiae sacramentalis. » Idem dicit S. Doctor, lib. VI, n. 477, de dubio an quis peccatum mortale certo commissum fuerit vel ne confessus, et ibi se refert ad sententiam hic de voto ab eo declaratam. Potestne affirmari ex hac duplici retractatione quoad casus particulares eum omnino recessisse ab opposita doctrina? Contrarium videtur probari ex hoc quod habet eodem libro I, n. 99: « Quid in dubio an legem impleveris? In dubio negativo, teneris implere; secus in positivo. » Et lib. IV, n. 290: « In dubio de consuetudine [scilicet derogante legi], possidet praeceptum, unde petenda est dispensatio; secus, si probabile sit adesse consuetudinem. » Et rursus eod. lib., n. 112, q. 3, de inhabilitate ad obtinenda beneficia, § Secunda sententia, scribit: « Hic non versamur in dubio, sed in opinione probabili… Quando autem probabile est quod lex abolita sit, tunc cessat praesumptio pro lege, et possidet libertas. » Unde Ant. Ballerini concludit, annot. in locum Gury suprad.: « Ergo S. Alphonsus suam opinionem utique mutavit quoad quaestionem specialem de voto, non vero quoad generale principium. Et quidem illa quoad votum resolutio videtur accipienda de eo qui incertus sit, an aliquid ad votum implendum praestiterit necne; non autem de eo qui aliquid fecerit, et incertus sit solum, an illud ad implendam promissionem sufficiat. Nam alioqui centies, imo et millies, S. Alphonsus inculcat, tutissimum in conscientia eum esse qui quoad obligationes probabile judicium sequatur, cum totum ejus opus morale huic innitatur principio. »*

29 » The second opinion denies, with not a few very conspicuous theologians. For, they say, no obligation is to be imposed unless it be certainly known of it, as was said above concerning probabilism. Moreover nothing is certainly known of an obligation to which satisfaction has already been made more probably or probably. Therefore. — Besides, as from that principle : « No obligation is to be imposed, etc., » it is drawn out that the human will is not obliged by a law whose existence is not yet proved, so it necessarily follows that the same will is not bound at the same time as the existence of the law becomes uncertain; for as obligation depends upon certain knowledge of the law, so also the continuation of obligation depends upon the continuation of the same certain knowledge. But a law to which satisfaction has probably been made probably no longer exists, and therefore its existence becomes uncertain. Therefore.

» Secunda sententia negat cum theologis non paucis valde conspicuis. Etenim, aiunt, non est imponenda obligatio, nisi de ea certo constet, ut supra de probabilismo dictum est. Porro non constat de obligatione cui jam probabilius aut probabiliter satisfactum est. Ergo. — Praeterea, sicut ex illo principio: « Non est imponenda obligatio, etc., » eruitur non obligari voluntatem humanam a lege cujus nondum probata est existentia, ita necessario consequitur non obligari eamdem voluntatem simul ac legis existentia fit incerta; quemadmodum enim obligatio pendet a notitia certa legis, ita etiam continuatio obligationis pendet a continuatione notitiae ejusdem certae. Atqui lex cui probabiliter satisfactum est probabiliter jam non existit, adeoque ejus existentia fit incerta. Ergo.

30 » As regards the axiom objected : « A certain obligation is not satisfied by doubtful fulfillment, » it is answered to be true whenever there is talk of practical or negative doubt; not unless indeed true and solid probability favor liberty. This opinion hold Suarez, in IIIam part. S. Thomae, ad q. 90, disp. 22, sect. 9, n. 6. — Roncaglia, de Voto, c. 2, q. 4, and tract. II, c. 5, q. 3° de Legib. — Tamburinus, Meth. conf., lib. II, c. 1, n. 10. — Lugo, de Poenit., disp. 16, n. 59 and 60. — Bonacina, de Integrit. conf., diss. 5, q. 5, sect. 2, punct. 2, § 3. — Lacroix, lib. I, n. 599 and 600. — Salmant., de Voto, c. 1, n. 145, etc., etc.

> *» Quoad axioma quod objicitur: « Non satisfit obligationi certae per impletionem dubiam, » respondetur verum esse quoties sermo est de dubio practico vel negativo, non vero si libertati faveat vera et solida probabilitas. Hanc sententiam tenent Suarez, in 3am part. S. Thomae, ad q. 90, disp. 22, sect. 9, n. 6. — Roncaglia, de Voto, c. 2, q. 4, et tract. II, c. 5, q. 3° de Legib. — Tamburinus, Meth. conf., lib. II, c. 1, n. 10. — Lugo, de Poenit., disp. 16, n. 59 et 60. — Bonacina, de Integrit. conf., diss. 5, q. 5, sect. 2, punct. 2, § 3. — Lacroix, lib. I, n. 599 et 600. — Salmant., de Voto, c. 1, n. 145, etc., etc.*

31 Add from the camp of the probabiliorists Billuart, de Integrit. conf., § 4, and others who say it suffices if satisfaction have been made more probably to the law.

> *Adde ex castris probabilioristarum Billuart, de Integrit. conf., § 4, et alios qui dicunt satis esse si legi probabilius fuerit satisfactum.*

32 It cannot be denied that this opinion enjoys probability at least extrinsic, since not a few theologians, and none of lesser note, patronize it. — Elsewhere the motives on which it rests seem by no means contemptible, [whence probability even intrinsic is drawn].

> *Negari nequit sententiam hanc probabilitate saltem extrinseca gaudere, cum non pauci nec minoris notae theologi ei patrocinentur. — Aliunde motiva quibus innititur minime spernenda videntur, [unde probabilitas etiam intrinseca eruitur].*

33 So Gury and his commentator P. Henricus Dumas. But what is to be counseled in practice? Although in this conflict of opinions anyone may seem able to choose what pleased him more, we shall open our own opinion.

> *Ita Gury et ejus commentator P. Henricus Dumas. Sed quid in praxi consulendum? Quamvis in hoc conflictu opinionum videatur quemque eligere posse quod sibi magis arriserit, nostram sententiam aperiemus.*

34 The theory of probabilism is founded, as abundantly appears from the context of this dissertation, especially upon the following principle : « A doubtful law does not oblige. » Moreover, this principle is deservedly applied to doubt about the existence of a law and about its extension. But truly also to doubt about the cessation of a law or of an obligation? Plainly it will be judged better not to admit such an extension, since the reflex principle noted above, understood in this sense, is not morally certain even among probabilists, but very doubtful, as is clear from the reasons opposed on either side and from the names of authors passing into different parties. Whence it seems that affirmation must be made, not only in practical doubt, in which it is always nefarious to act against the law, but also in doubt about the cessation of a previously valid law, that the law must be obeyed, until the cessation become known through morally certain reasons. In doubt however whether satisfaction has been made to an obligation certain of itself, we say the burden of satisfaction still subsists, unless perhaps through another reflex principle joined to it one be freed, v. g., the following principle : « In doubt one must stand for him for whom the presumption stands : » so much the more as this doubt

objectively touches not directly the law itself, but only the effect of the law, namely its obligatory force, and therefore the palmary principle : « A doubtful law does not oblige, » can be applied less properly to cases of this kind. Thus we think with the most wise cardinal Gousset, n. 86 and 87.]

Theoria probabilismi fundatur, ut ex contextu hujus dissertationis abunde patet, praesertim principio sequenti : « Lex dubia non obligat. » Porro, hoc principium merito applicatur dubio de legis existentia et de ejusdem extensione. Num vero etiam dubio de legis vel obligationis cessatione? Plane consultum erit talem extensionem non admittere, cum principium reflexum supra notatum, in hoc sensu intellectum, ne inter probabilistas quidem sit moraliter certum, sed valde dubium, uti constat ex rationibus quae utrimque opponuntur et nominibus authorum qui in diversas partes abeunt. Hinc affirmandum videtur, non solum in dubio practico, in quo semper contra legem agere nefas est, sed etiam in dubio de cessatione legis antea validae, legi obediendum esse, donec cessatio per rationes moraliter certas innotescat. In dubio autem utrum obligationi per se certae jam satisfactum fuerit, dicimus onus satisfactionis adhuc subsistere, nisi forte, alio adjuncto principio reflexo ab eodem quis liberetur, v. g., principio sequenti : « In dubio standum est pro eo pro quo stat praesumptio : » eo vel magis cum dubium hoc legem objective non directe attingat, sed tantum effectum legis, ejusdem scilicet vim obligatoriam, ideoque minus proprie hujusmodi casibus applicari possit palmare principium : « Lex dubia non obligat. » Ita sentimus cum sapientissimo cardinali Gousset, n. 86 et 87.]

Whether it is lawful to follow a probable, or even more probable, opinion, leaving the safer, when there is a certain obligation of attaining a determinate end?

1 [It must be noted that this question has undeservedly been held by many theologians to pertain pertinently to probabilism, whose error arose from this, that there intervened here a certain probability to whose object they paid insufficient attention.

[Notam hanc quaestionem immerito a pluribus theologis habitam fuisse ut pertinenter ad probabilismum, quorum error ex eo ortus est, quod hic intervenit quaedam probabilitas ad cujus objectum non satis attenderunt.

2 Certain probabilists, after they had demonstrated their system with valid reasons, lest they seem to transgress the limits of just moderation, established certain exceptions, as they said, to which the principle of probabilism may not licitly be applied, v. g., the case of the sacraments validly to be conferred out of necessity, the obligation incumbent upon a physician to use the more efficacious means for restoring the health of the sick person, etc. They judged that, with these exceptions admitted, their theory would become unshaken, not considering that, if from their doctrine there flowed false consequences which they rejected in practice, the principle itself would be convicted of falsity.

Quidam probabilistae, postquam systema suum validis rationibus demonstrarunt, ne viderentur limites justae moderationis transgredi, quasdam exceptiones, ut aiebant, statuerunt, quibus principium probabilismi non licet applicare, v. g., casus sacramentorum valide de necessitate conferendorum, obligatio quae incumbit medico utendi mediis efficacioribus ad sanitatem aegroti restituendam, etc. Existimabant, his exceptionibus admissis, theoriam suam inconcussam fieri, non considerantes quod, si ex eorum doctrina fluerent consequentia falsa quas rejiciebant in praxi, principium ipsum falsitatis convinceretur.

3 And in fact the antiprobabilists, leaning on these exceptions, tried to overthrow the system by way of absurdity, reasoning thus : A principle that leads to false consequences is false. But the principle of probabilism leads to consequences so evidently false that they are rejected by the probabilists themselves. Therefore this principle is false. And to prove the minor they alleged the cases recalled above. Indeed this conclusion would have to be acknowledged as well founded, if the various cases

comprehended under the present question were only exceptions in the aforesaid sense : which is false.

> *Et reapse antiprobabilistae, his exceptionibus innixi, systema per absurdum evertere conabantur, sic ratiocinantes : Principium quod ducit ad consectaria falsa, est falsum. Atqui principium probabilismi ducit ad consectaria tam evidenter falsa, ut ab ipsis probabilistis reprobentur. Ergo principium istud est falsum. Et ad minorem probandam casus supra memoratos allegabant. Equidem fatendum esset hanc conclusionem esse fundatam, si casus varii sub praesenti quaestione comprehensi non essent nisi exceptiones sensu supradicto : quod falsum est.*

4 That this confusion may be dissipated, there must be recalled to memory the distinction which we have already had occasion several times to note. In the system of probabilism, the question concerns exclusively the liceity of an act posited against a law doubtful or only probably existing, in which case the obligation, which is the essential effect of the law and is necessarily proportioned to and homogeneous with the law, is itself probable or doubtful. But if it be truly and solidly probable that the law does not exist, from the reflex principles whose truth was demonstrated above it is rightly pronounced that the obligation is none, because the law is practically none, so that the agent who omits such a law does not sin formally. — On the contrary, in the question now to be solved, the law commanding that some determinate end be obtained, and indeed by efficacious means, is not doubtful, but altogether certain, and from it consequently arises an equally certain obligation. It is supposed that there are simultaneously present means certainly conducing to the end, and other means by which the same end can be attained only probably, and the question is whether it is lawful, leaving the former, to employ the latter : i. e., whether, the certain obligation still remaining, the act itself avails.

> *Ut dissipetur haec confusio, in memoriam revocanda est distinctio quam pluries jam notare debuimus. In systemate probabilismi, agitur exclusive de liceitate actus contra legem dubiam seu probabiliter tantum existentem positi, quo in casu obligatio, qua est effectus essentialis legis et legi est necessario proportionata et homogenea, est ipsa probabilis seu dubia. Si autem sit vere et solide probabile legem non existere, ex principiis reflexis quorum veritas fuit demonstrata recte pronuntiatur, obligationem esse nullam, quia lex est practice nulla, ita ut agens qui talem legem praetermittit non peccet formaliter. — E contra, in quaestione nunc solvenda, lex praecipiens finem aliquem determinatum obtinendum esse, et quidem mediis efficacibus, non est dubia, sed omnino certa, et ex ea oritur consequenter obligatio pariter certa. Supponitur adesse simul media certo ad finem conducentia et alia quibus nonnisi probabiliter idem finis attingi potest, et quaeritur an liceat, relictis prioribus, posteriora adhibere : i. e., an, adhuc obligatio certa servata, ipse actus valeat.*

5 That this discrepancy may be expressed more briefly : the probabilist treats of the liceity of an action posited against a doubtful law, and in the present question there is treated of the validity of an act posited by force of a certain law. And these two differ as heaven from earth. Therefore **I say** : It is not lawful to follow a probable, or even a more probable, opinion, leaving the safer, when there is present a certain obligation of obtaining a determinate end.

> *Ut brevius haec discrepantia exprimatur : probabilista tractat de liceitate actionis contra legem dubiam positae, et in quaestione praesenti agitur de validitate actus vi legis certa ponendi. Et haec duo toto coelo distant. Itaque **Dico** : Non licet sequi opinionem probabilem, aut etiam probabiliorem, relicta tutiore, cum adest obligatio certa finem determinatum obtinendi.*

6 *Proof.* When there is present a certain obligation of obtaining a determinate end, the agent is bound to employ those means by which he will attain this end in the most efficacious way possible. But if means certainly efficacious are at hand, and the agent chooses means whose efficacy is only probable,

he does not attain the end in the most efficacious way possible. Therefore he does not fulfill the obligation imposed upon him. Therefore it is not lawful to use these means, but the safer part must be followed.

> Prob. *Cum adest obligatio certa finem determinatum obtinendi, agens tenetur ea adhibere media quibus hunc finem modo quam efficacissimo est assecuturus. Atqui, si media certo efficacia praesto sint, et agens eligat media quorum efficacitas est tantum probabilis, finem non assequitur modo quam efficacissimo. Ergo obligationem sibi impositam non implet. Ergo non licet his mediis uti, sed pars tutior est sequenda.*

7 Thence you will gather :

> *Colliges inde :*

8 1° In matters necessitated by the necessity of means for salvation, the safer must be chosen. For the gravest and most certain obligation is imposed upon everyone to make certain the eternal salvation of his soul. But means only probably efficacious do not make the salvation of the soul certain. Therefore, leaving the others, it is not lawful to employ these means. Hence in matters pertaining to faith and the true religion, all probability being set aside, the safer part must necessarily be followed. Whence this proposition was condemned by Innocent XI, n. 4 : « An infidel not believing will be excused from infidelity, led by a probable opinion. » The same must be said of an opinion even more probable subjectively. So St. Liguori, lib. I, n. 43.

> *1° In necessariis necessitate medii ad salutem, tutius est eligendum. Gravissima enim et certissima obligatio cuique imponitur aeternam animae suae salutem certam faciendi. Atqui media probabiliter tantum efficacia salutem animae certam non faciunt. Ergo, relictis aliis, non licet haec media adhibere. Ideo in rebus ad fidem et veram religionem pertinentibus, omni probabilitate posthabita, pars tutior necessario est sequenda. Hinc damnata est ab Innocentio XI haec propositio, n. 4 : « Ab infidelitate excusabitur infidelis non credens, ductus opinione probabili. » Idem dicendum de opinione etiam probabiliori subjective. Ita S. Ligorius, lib. I, n. 43.*

9 2° The minister of a sacrament is bound to make its validity certain, embracing the safer part, leaving the less safe opinion, though probable and even more probable. The reason is, because the honor and reverence of the sacrament are entrusted to him, and together with them the spiritual good of the neighbor, who has the right not to be deprived of the grace which he needs or desires to enjoy. But by acting otherwise, the minister would expose the sacrament to the danger of nullity and the neighbor to the proximate danger of spiritual loss. Whence the following proposition was deservedly condemned by Innocent XI, n. 1 : « It is not illicit, in conferring the sacraments, to follow a probable opinion about the value of the sacrament, leaving the safer, unless the law, a convention, or the danger of incurring grave loss forbids it. Hence an opinion merely probable is not to be used in the conferring of baptism, of priestly or episcopal order. » — Excepted is 1° the case of urgent necessity, because, as the received axiom runs, the sacraments are for men, and to a man placed in grave danger of death they must be administered in the best way possible, even with mere probability, nay with a thin and very thin probability regarding validity. Whence baptism can not only be, but must be, conferred on one about to die shortly with liquid doubt, if natural water is lacking and cannot be obtained. — Excepted is 2° the case in which, on account of necessity, the defect is presumed to be supplied by the church; for sometimes the Church can and is held to supply what is wanting to the value of the sacrament. Which indeed can happen in two sacraments, namely in the sacrament of penance, if for a grave reason it be conferred with doubtful or only probable

jurisdiction, and in the sacrament of matrimony, when it is celebrated with a doubted impediment of ecclesiastical law. S. Lig., n. 48-50.

> *2° Minister sacramenti tenetur ejus validitatem certam reddere, tutiorem partem amplectendo, relicta minus tuta probabili et etiam probabiliori. Ratio est, quia honor et reverentia sacramenti illi committuntur, et simul bonum spirituale proximi, qui jus habet ut non privetur gratia qua indiget vel frui cupit. Atqui, aliter agendo, minister exponeret sacramentum periculo nullitatis et prosimum periculo damni spiritualis. Hinc merito damnata est ab Innocentio XI propositio sequens, n. 1 : « Non est illicitum, in sacramentis conferendis, sequi opinionem probabilem de valore sacramenti, relicta tutiore, nisi id vetet lex, conventio, aut periculum gravis damni incurrendi. Hinc sententia probabili tantum utendum non est in collatione baptismi, ordinis sacerdotalis aut episcopalis. » — Excipitur 1° casus necessitatis urgentis, quia, ut fert axioma receptum, sacramenta sunt propter homines, et homini in gravi periculo vitae constituto sunt ministranda meliori quo fieri potest modo, etiam cum mera probabilitate, imo cum probabilitate tenui et tenuissima de validitate. Unde, baptismus non tantum potest, sed debet conferri brevi morituro cum liquido dubio, si desit nec obtineri possit aqua naturalis. — Excipitur 2° casus in quo, ob necessitatem, praesumitur defectum suppleri ab ecclesia; aliquando enim Ecclesia potest et censetur supplere quod desideratur ad valorem sacramenti. Quod quidem in duobus sacramentis potest contingere, scilicet in sacramento poenitentiae, si ex gravi ratione cum jurisdictione dubia aut probabili tantum conferatur, et in sacramento matrimonii, quando celebratur cum dubio impedimento juris ecclesiastici. S. Lig., n. 48-50.*

10 3° He who has undertaken toward another an obligation from an express or tacit contract, or from a quasi contract, is bound to fulfill it in the more certain and safer manner. Whence the physician and the surgeon must employ the more efficacious remedies and means that are available here and now, because for this they are summoned by the sick. S. Lig., n. 44.

> *3° Qui ex contractu expresso vel tacito, aut quasi contractu, erga alium obligationem suscepit, tenetur eam certiori et tutiori modo implere. Unde medicus et chirurgus debent adhibere remedia et media efficaciora quae hic et nunc suppetunt, quia ad hoc ab aegrotis advocantur. S. Lig., n. 44.*

11 4° When perilous action is directed against someone, one must abstain from it, unless true necessity excuses it, or the public good requires it. Whence a hunter ought not kill a wild beast, if he fears lest by the same blow he kill or merely wound a man. And he must abstain from it, even if he judge it more probable that the danger is absent; for if in truth it be present, it will not be removed by a contrary probability, even though greater.]

> *4° Cum actio periculosa fit alicui, ab ea abstinendum est, nisi vera necessitas eam excuset, aut bonum publicum eam requirat. Hinc venator feram occidere non debet, si timet ne eodem ictu hominem occidat vel tantum vulneret. Et ipsi est abstinendum, etiamsi probabilius existimet non adesse periculum; si enim revera adsit, probabilitate contraria, etsi majori, non removebitur.]*

On Compensative Probabilism

1 [We shall expound this pseudo-probabilism from the writings of three authors who professed it, namely D. Manier, D. Laloux, and Rev. P. Potton[1]

[1] The first author of this system seems to have been D. Manier, priest of the Congregation of St. Sulpice, who laid down its principles in the Compendium philosophiae for the use of seminaries, t. III, Ethica, dissert. 3, de Conscientia, edit. 1859. — The same theory is expounded, but less orderly, in the posthumous work of D. Laloux, priest of the same congregation, which was published in 1862 by D. Orssand, priest of the diocese of Montpellier. — After these Rev. P. Maria Ambrosius Potton of the Order of Preachers published, in 1874, a work entitled De theoria probabilitatis, and in the following year a little book written in French under the title De la théorie du

probabilisme, in which he tried to demonstrate the truth of the same doctrine, but rather entangled and obscured it with multiplied arguments, either beside the point or not sufficiently connected. This theologian attested that he had been ignorant of the writings of his predecessors when he first devised his system, so that he found himself what had before been invented by others. We have already demonstrated most fully the emptiness of this system in the journal called La Semaine du clergé, from 1876 to 1879. But because this doctrine, as is asserted by men worthy of faith, was admitted in certain seminaries of France, it has seemed to us not only opportune but necessary to expose it briefly here and refute it.

[Hunc pseudo-probabilismum exponemus ex scriptis trium authorum qui illud professi sunt, scilicet D. Manier, D. Laloux et Rev. P. Potton[1]

[1] *Hujus systematis primus author videtur fuisse D. Manier, presbyter Congregationis S. Sulpitii, qui ejus principia posuit in Compendio philosophiae ad usum seminariorum, t. III, Ethica, dissert. 3, de Conscientia, edit. 1859. — Eadem theoria exponitur, sed minus ordinate, in opere posthumo D. Laloux, ejusdem congregationis presbytero, quod fuit editum anno 1862 a D. Orssand, presbytero dioecesis Montispessulani. — Post hos Rev. P. Maria Ambrosius Potton ex ordine Praedicatorum, vulgavit, anno 1874, opus cui titulus De theoria probabilitatis, et anno sequenti libellum gallice scriptum sub titulo: De la théorie du probabilisme, in quibus ejusdem doctrinae veritatem demonstrare conatus est, sed potius multiplicibus argumentis, seu extra rem quaesitis, seu non satis concatenatis, eam implicavit et offuscavit. Testatus est hic theologus antecessorum suorum scripta se ignorasse, cum primo suum systema excogitavit, ita ut invenerit ipse quod antea ab aliis fuerat inventum. Hujus systematis inanitatem jam fusissime demonstravimus in diario dicto La Semaine du clergé, ab anno 1876 ad 1879. Quia vero haec doctrina, ut a viris fide dignis asseritur, in quibusdam seminariis Galliarum fuit admissa, nobis nedum opportunum, sed et necessarium visum est eam hic breviter exponere et explodere.*

2 D. Manier lays down this principle, Ethica, de Conscientia, chapter 2: « A doubtful law neither lacks all obligating force, nor has all its force of obligating, but obligates more or less strictly according as it is more or less known: hence a cause not excusing from a law certainly known can sometimes excuse from a law known only imperfectly. »

Hoc principium ponit D. Manier, Ethica, de Conscientia, cap. 2 : « Lex dubia nec omni vi obligatoria caret, nec omnem suam obligandi vim habet, sed plus minusve stricte obligat, prout plus minusve cognoscitur : proinde causa non excusans a lege certa cognita, aliquando potest a lege imperfecte tantum cognita excusare. »

3 Advert that here there is denied absolutely the palmary principle of probabilism: « A doubtful law does not oblige, » against which is opposed contradictorily, as head and principle of the whole new system, the following proposition: « A doubtful law obligates, » that is, the doubtful law is true law sufficiently promulgated; for here the doubtful equals cognition.

Adverte hic negari absolute principium palmare probabilismi : « Lex dubia non obligat, » cui opponitur contradictorie, ut caput et principium totius novi systematis, propositio sequens : « Lex dubia obligat, » id est, lex dubia est lex vera et sufficienter promulgata; nam hic dubium cognitioni aequiparatur.

4 For why should a doubtful law obligate? The same author answers: « Whenever a law is wholly known to us, it has all its obligation relatively to us; if, on the contrary, it be wholly unknown to us, it has no obligation at all. Therefore, by equal reason, if a law be known to us, but imperfectly, it has some obligation, but an imperfect one. »

Cur enim lex dubia obliget? Respondet idem author : « Quotiescumque lex nobis est omnino cognita, omnem suam obligationem habet relative ad nos; si, e contra, nobis sit omnino incognita, nullam omnino habet obligationem. Ergo, pari ratione, si lex nobis sit cognita, sed imperfecte, aliquam habet obligationem, sed imperfectam. »

5 If the obligation arising from a doubtful law be imperfect, thence the three authors conclude together « that a cause not excusing from a law certainly known can sometimes excuse from a law known only imperfectly. »

Si obligatio ex lege dubia nascens sit imperfecta, inde concludunt simul tres authores, « causam non excusantem a lege certo cognita, aliquando posse a lege imperfecte tantum cognita excusare. »

6 But that anyone be excused from keeping a doubtful law, three things must be considered: 1° the nature and gravity of the law, 2° its probability, 3° its difficulty in practice, or the inconveniences which arise from observing it.

Ut vero excusetur quis a lege dubia servanda, tria considerari debent : 1° legis natura et gravitas, 2° ejus probabilitas, 3° ejus difficultas in praxi, seu incommoda quae ab ejus observatione oriuntur.

7 These things perceived, the principle is thus applied to the various degrees of probability: « 1° If the opinion favoring liberty be notably more probable than the opinion favoring the law, then, ordinarily speaking, the sole inconvenience arising from the privation of liberty suffices for running the risk of material infraction. It is said, ordinarily speaking, because if the law, although notably less probable, were of natural right and forbade something gravely evil, then this inconvenience alone would not seem to suffice... Hence in this case mitigated tutiorism holds, but with this condition, that the fault committed by the infraction of the law will be only light. 2° If the opinion favoring the law and the opinion favoring liberty be equally probable, but the law be most grave, nor any other motive for departing from it than the mere faculty of doing what pleases, then it is not lawful to depart from the observance of the law without some sin; and in that case probabiliorism holds, yet with this condition, that the sin of infraction will be less grave than if a certain law or one notably more probable were infringed. 3° If the opinion favoring the law and the opinion favoring liberty be equally probable, but the law be of positive right, and its observance bring great inconvenience, even though that inconvenience would not suffice to excuse from the aforementioned law supposing it certain, it will suffice to excuse from this law uncertain... Hence in this case equiprobabilism would hold. 4° Finally, if the law be notably more probable than liberty, but of positive right, and its observance bring with it some inconvenience, although that inconvenience would not suffice to excuse from the observance of a law which would be certain, nevertheless it could legitimately excuse from one which is only notably more probable; and in that case benign probabilism holds. »

His perspectis, sic applicatur principium ad varios gradus probabilitatis : « 1° Si opinio favens libertati sit notabiliter probabilior opinione legi favente, tunc, ordinarie loquendo, sola incommoditas proveniens e privatione libertatis sufficit ad subeundum periculum materialis infractionis. Dicitur, ordinarie loquendo, quia si lex, quamvis notabiliter minus probabilis, juris esset naturalis et prohiberet aliquid graviter malum, tunc non videretur quod sufficeret sola haec incommoditas... Proinde in hoc casu valet tutiorismus mitigatus, sed cum ea conditione quod culpa qua committetur per infractionem legis erit dumtaxat levis. 2° Si opinio favens legi et opinio favens libertati sint aeque probabiles, lex vero sit gravissima, nec aliud sit motivum ab ea recedendi quam mera facultas agendi id quod placet, tunc non licet ab observantia legis recedere sine aliquo peccato; et in eo casu valet probabiliorismus, cum ea tamen conditione, quod peccatum infractionis erit minus grave quam si infringetur lex certa aut notabiliter probabilior. 3° Si opinio favens legi et opinio favens libertati sint aeque probabiles, lex autem sit juris positivi et observatio magnum afferat incommodum, etiamsi incommodum illud non sufficeret ad excusandum a praefata lege, posito quod esset certa, sufficiet ad excusandum ab hac lege incerta... Proinde in hoc casu valeret aequiprobabilismus. 4° Tandem, si lex sit notabiliter probabilior quam libertas, sed juris sit positivi et ejus observatio secum afferat aliquod incommodum, quamvis non sufficeret incommodum illud ad excusandum ab observatione legis quae esset certa, poterit tamen legitime excusare ab ea quae est dumtaxat notabiliter probabilior ; et in eo casu valet probabilismus benignus. »

8 In this system, 1° a doubtful law obligates per se; because 2° sin, not only formal but material merely possible, is always to be avoided; unless 3° compensation be made between the advantages accruing to the agent from the infraction of the law and the inconveniences which must arise from the same act.

> *In hoc systemate, 1° lex dubia per se obligat; quia 2° peccatum, non tantum formale, sed materiale mere possibile est semper vitandum; nisi 3° compensatio fiat inter commoda quae obvenient agenti ex infractione legis et incommoda quae ex eodem actu oriri debent.*

9 On account of this compensation D. Laloux adorned that theory with the name Compensative Probabilism, which denomination P. Potton adopted with great applause.

> *Propter hanc compensationem D. Laloux theoriam istam nomine Probabilismi compensativi decoravit, quam denominationem adoptavit magno cum plausu P. Potton.*

10 It is asked now what is to be thought of this new system.

> *Quaeritur nunc quid de hoc novo systemate sit sentiendum.*

11 **I say**: The system of compensative probabilism is altogether to be rejected.

> ***Dico** : Systema probabilismi compensativi omnino rejiciendum est.*

12 *It is proved.* That system is to be rejected which 1° relies on false principles, 2° is contradictory, 3° induces into a condemned error, 4° supposes an imaginary obligation, and 5° whose use is impossible. But compensative probabilism labors under these defects. Therefore it is to be rejected.

> Probatur. *Illud systema est rejiciendum, quod 1° nititur principiis falsis, 2° contradictorium est, 3° in errorem damnatum inducit, 4° supponit obligationem imaginariam, et 5° cujus usus est impossibilis. Atqui his vitiis laborat probabilismus compensativus. Ergo rejiciendus.*

13 *It is proved.* First part of the minor. Compensative probabilism relies on this palmary principle: « A doubtful law obligates. » But above, art. 3, we demonstrated the truth of the contradictory proposition, namely: « A doubtful law does not oblige. » Therefore the palmary principle of the new system is false. — We proved besides « that an uncertain law cannot induce a certain obligation, » and « that before the law, namely true or certain law, the liberty of man possesses [its rights]; » which two principles flow immediately from the first, as necessary consequences. But these principles are denied in the recent theory, and contraries supposed. Therefore this theory rests on false principles.

> Prob. *1ª pars minoris. Probabilismus compensativus nititur hoc palmari principio : « Lex dubia obligat. » Atqui supra, art. 3, demonstravimus veritatem propositionis contradictoriae, scilicet : « Lex dubia non obligat. » Ergo principium palmare novi systematis est falsum. — Probavimus insuper « legem incertam non posse obligationem certam inducere, » et « ante legem, scilicet legem veram seu certam, libertatem hominis possidere; » quae duo principia a primo, ut consectaria necessaria, immediate fluunt. Atqui haec principia in recentiori theoria negantur et contraria supponuntur. Ergo haec theoria principiis falsis innititur.*

14 *It is proved.* Second part of the minor. 1° The defenders of the system attribute to the doubtful law the power of obligating proper to a true law, from this principle, that every law obligates insofar as it is known. Whence, renewing the error into which P. Patuzzi stumbled while disputing against St. Liguori, they contend that doubt is equivalent to cognition or science; which is contradictory and absurd, and is overturned by St. Thomas saying, q. 17 de Veritate, a. 3: « No one is bound by any

precept except through knowledge of that precept. » And the holy Doctor, as was demonstrated above, understands by science certain knowledge. 2° They affirm indeed that merely material sin is always to be avoided, and that toward this in every case one must flee to the safer part; and yet they concede that the sole inconvenience of the privation of liberty, which the agent would have to sustain from the observance of the doubtful law, suffices so that he may be permitted to pass over such a law, at least if the matter be light. How stands the absolute principle of embracing the safer part? 3° If such inconvenience can liberate from the obligation of a doubtful law, why would it not hold when the law exists certainly, since these theologians assert that in both cases the agent is bound by the law? Let them see how they can extricate themselves from these snares.

> Prob. *2ª pars minoris. 1° Systematis defensores legi dubiae vim obligandi, quae verae legi propria est, attribuunt, ex hoc principio, quod lex quaecumque obligat in quantum cognoscitur. Unde, renovantes errorem in quem impegit P. Patuzzi contra S. Ligorium disputans, dubium cognitioni seu scientiae aequivalere contendunt; quod est contradictorium et absurdum, et evertitur a S. Thoma dicente, q. 17 de Veritate, a. 3 : « Nullus ligatur per praeceptum aliquod, nisi mediante scientia illius praecepti. » Et S. Doctor, ut supra demonstratum est, per scientiam intelligit notitiam certam. 2° Affirmant quidem peccatum mere materiale semper vitandum esse, et ad hoc in omni casu ad partem tutiorem confugiendum, et tamen concedunt solum incommodum privationis libertatis, quod agenti sustinendum esset ex observatione legis dubiae, sufficere ut ei liceat talem legem praetermittere, saltem si materia sit levis. Quomodo stat principium absolutum partis tutioris amplectendae? 3° Si tale incommodum liberare possit ab obligatione legis dubiae, cur non valeret quando lex certo existit, cum hi theologi asserant in utroque casu agentem lege obstringi? Videant quomodo his laqueis se expedire valeant.*

15 *It is proved.* Third part of the minor. That system induces to following tutiorism. For its defenders proclaim that a doubtful law always obligates more or less, and if they admit excusing causes, by this very fact they establish an obligation, since it is not necessary that the agent be excused from an obligation not existing. Therefore the safer part must necessarily always be followed in order to avoid sin in the case of a doubtful law, although a greater or even maximal probability favor liberty, seeing that however uncertain the law may be, it always presses. And this P. Potton openly professes in this proposition, which is the eighth among the twelve in which he includes his whole doctrine: « Given a law whose existence is doubtful, the evil of probable material transgression cannot be efficaciously prevented unless all probable opinions against the law are abandoned and recourse be had to the safer part. » And he concludes in the ninth proposition: « Therefore, given a law whose existence is doubtful, one must always follow the safer part. » But tutiorism is entirely reprobated, since by Alexander VIII this proposition was condemned, n. 3: « It is not lawful to follow an opinion, though most probable among probables. » Therefore the aforesaid system is involved in this condemnation, at least implicitly, but most certainly.

> Prob. *3ª pars minoris. Systema illud inducit ad tutiorismum sectandum. Etenim ejus defensores proclamant, legem dubiam semper plus minusve obligare, et si causas excusantes admittant, hoc ipso obligationem statuunt, cum non necesse sit ut agens excusetur ab obligatione non existente. Ergo pars tutior necessario semper sequenda est ad vitandum peccatum in casu legis dubiae, licet probabilitas major vel etiam maxima libertati faveat, siquidem lex quantumvis incerta semper urget. Et hoc aperte profitetur P. Potton hac propositione, quae est octava inter duodecim quibus totam doctrinam suam includit : « Data lege cujus existentia est dubia, malum transgressionis materialis probabilis non potest efficaciter anteverti, nisi relinquantur omnes opiniones probabiles contra legem, et ad partem tutiorem confugiatur. » Et concludit in propositione nona : « Ergo, data lege cujus existentia est dubia, oportet semper sequi partem tutiorem. » Atqui tutiorismus totus reprobatus, cum ab Alexandro VIII damnata est haec propositio, n. 3 : « Non licet sequi*

opinionem vel inter probabiles probabilissimam. » Ergo systema praedictum, implicite saltem, sed certissime, hac damnatione involvitur.

16 *It is proved.* Fourth part of the minor. It cannot be said that an uncertain law obligates certainly except because, if perchance it exist, the transgression of this law is sin, at least material, which is always to be avoided. This follows from the exposition of the system, and is asserted positively by P. Potton in the seventh proposition: « If, in fact, a law whose existence is doubtful to me really exists, acting against its dispositions I transgress it, at least materially, and this transgression is a true evil. » And in the eighth proposition related above, he pronounces that all probable opinions against the law are to be abandoned and recourse had to the safer part, to avert this evil of merely material sin. But this obligation is gratuitously supposed and is an imaginary thing. Therefore. — Proof of the minor. This obligation is gratuitously supposed and is an imaginary thing, if 1° material sin, considered as such, be nothing in the genus of morals, and 2° if it be in fact impossible to avoid every material sin. But so it is. Therefore. — Proof of the first part of the minor. Material sin is nothing else than the matter of sin, that is, an act which becomes sinful if the required moral form arrive. But this matter, so long as it is deprived of its proper form, is nothing morally. St. Thomas says, 1ª p., q. 15, a. 3, ad 3, that « matter, in itself, neither has being nor is knowable. » And VII Metaphys., lect. 2, he teaches that in itself matter has neither what, nor how much, nor anything of those things by which being is determined. Whence he concludes, 1ª p., q. 66, a. 2: « Matter, according to that which it is, is in potency to form. Therefore matter, considered in itself, must be in potency to the form of all those things of which it is common matter. » Matter which per se has neither what nor being becomes something through form and obtains being; for, as the Angelic Doctor says, ibid., q. 76, a. 5, « since form is not on account of matter, but rather matter on account of form, from the form must be taken the reason why matter is such, and not conversely. » And these principles are applied not only to physical matter, but also to moral matter, as is evident per se and sufficiently intimated by the denomination of material sin. Therefore material sin, so long as it is deprived of its form, with which it is clothed only through a certain law knowingly violated, is nothing morally. — It is confirmed from what St. Thomas says specially of sin, 1ª 2ae, q. 71, a. 6: « Sin is nothing else than a bad human act... Now the human act has what makes it bad from the fact that it lacks due commensuration; but every commensuration of anything is attended by comparison to some rule, from which if it depart it will be incommensurate. Now the rule of human will is twofold: one proximate and homogeneous, namely human reason; but the other is the first rule, namely the eternal law, which is as it were the reason of God. And therefore Augustine placed two things in the definition of sin: one belonging to the substance of the human act, which is as it were the material element in sin, when he said: « A word, or deed, or desire; » but the other belonging to the reason of evil, which is as it were the formal element in sin, when he said: « Against the eternal law. » » But that which is as it were formal is not found in material sin viewed in itself, because by this very fact that it is not against a certain law, that is, a true law, it is not against the eternal law. Therefore material sin is nothing in the genus of morals. Proof of the second part of the minor. The obligation of always following the safer part, to avoid material sin in every case, is imaginary if material sin ought sometimes to be permitted, and cannot in fact be avoided in every case. But so it is. For 1° material sin sometimes ought to be permitted; which happens when conscience is perplexed, that is, when someone is constituted, or judges himself constituted, between two incompatible precepts, and believes he sins whichever part he chooses. The same happens when the act is to have a twofold effect, one good and the other evil in

itself, and the agent acting ex officio is bound to posit such act. 2° Experience demonstrates what Sacred Scripture testifies, *Sap.*, IX, 14, namely that the thoughts of mortals are timid, and our providence uncertain. For even the wiser cannot foresee all things so as not to be constituted in the cases mentioned, where not only may, but must material sin be permitted, lest innocent persons transgress some law. Therefore from this twofold head it must be concluded that the obligation of always avoiding material sin is imaginary.

Prob. *4ª pars minoris. Non potest dici legem incertam certo obligare, nisi quia, si forte existat, hujus legis transgressio est peccatum, saltem materiale, quod semper vitandum est. Hoc sequitur ex expositione systematis, et a P. Potton positive asseritur in propositione septima : « Si, de facto, lex cujus existentia est mihi dubia realiter existat, agendo contra ejus dispositiones, eam transgredior, saltem materialiter, et haec transgressio est verum malum. » Et in propositione octava supra relata, pronuntiat, omnes opiniones probabiles contra legem relinquendas esse et ad partem tutiorem confugiendum, ad avertendum hoc malum peccati mere materialis. Atqui haec obligatio gratis supponitur et est quid imaginarium. Ergo.* — Prob. *min. Haec obligatio gratis supponitur et est quid imaginarium, si 1° peccatum materiale, ut tale consideratum, nihil sit in genere moris, et 2° si de facto impossibile sit omne peccatum materiale vitare. Atqui ita est. Ergo.* — Prob. *1ª pars minoris. Peccatum materiale nihil aliud est quam materia peccati, id est actus qui fit peccaminosus, si forma moralis requisita adveneriat. Atqui haec materia, quamdiu forma propria destituitur, nihil est moraliter. Dicit S. Thomas, 1ª p., q. 15, a. 3, ad 3, quod « materia, secundum se, neque esse habet, neque cognoscibilis est. » Et VII Metaphys., lect. 2, docet quod secundum se materia non habet nec quid, nec quantum, nec aliquid eorum quibus esse determinatur. Unde concludit, 1ª p., q. 66, a. 2 : « Materia, secundum id quod est, est in potentia ad formam. Oportet ergo quod materia, secundum se considerata, sit in potentia ad formam omnium illorum quorum est materia communis. » Materia quae, per se, nec quid nec esse habet, per formam fit aliquid et obtinet esse; nam, ut ait Angelicus, ibid., q. 76, a. 5, « cum forma non sit propter materiam, sed potius materia propter formam, ex forma oportet rationem accipere quare materia sit talis, et non e converso. » Et haec principia non tantum materiae physicae, sed et materiae morali applicantur, ut per se patet et satis innuitur ex denominatione peccati materialis. Ergo peccatum materiale, quamdiu forma sua privatur, qua nonnisi per legem certam et scienter violatam vestitur, nihil est moraliter. — Confirmatur ex eo quod dicit S. Thomas specialiter de peccato, 1ª 2ae, q. 71, a. 6 : « Peccatum nihil aliud est quam actus humanus malus... Habet autem actus humanus quod sit malus, ex eo quod caret debita commensuratione; omnis autem commensuratio cujuscumque rei attenditur per comparationem ad aliquam regulam, a qua si divertat, incommensurata erit. Regula autem voluntatis humanae est duplex : una propinqua et homogenea, scilicet humana ratio; alia vero est prima regula, scilicet lex aeterna, quae est quasi ratio Dei. Et ideo Augustinus in definitione peccati posuit duo : unum quod pertinet ad substantiam actus humani, quod est quasi materiale in peccato, cum dixit : « Dictum, vel factum, vel concupitum; » aliud autem quod pertinet ad rationem mali, quod est quasi formale in peccato, cum dixit : « Contra legem aeternam. » Atqui quod est quasi formale non reperitur in peccato materiali in se spectato, quia hoc ipso quod non est contra legem certam, id est legem veram, non est contra legem aeternam. Ergo peccatum materiale nihil est in genere moris.* Prob. *2ª pars minoris. Obligatio partem tutiorem semper sequendi, ad peccatum materiale in omni casu vitandum, est imaginaria, si peccatum materiale aliquando permitti debeat et non possit de facto in omni casu vitari. Atqui ita est. Nam 1° aliquando permitti debet peccatum materiale; quod accidit cum conscientia est perplexa, id est cum aliquis inter duo praecepta incompatibilia constituitur seu constitui existimat, et peccare credit, quamcumque partem eligat. Idem accidit cum actus duplicem effectum est habiturus, unum bonum et alterum in se malum, et agens ex officio talem actum tenetur ponere. 2° Experientia demonstrat quod S. Scriptura testatur, Sap., IX, 14, scilicet quod cogitationes mortalium sunt timidae, et incertae providentiae nostrae. Prudentiores enim non possunt omnia ita praevidere, ut non constituantur in casibus memoratis, ubi, non tantum potest, sed debet permitti peccatum materiale, vel ut insontes aliquam legem non transgrediantur. Ergo ex hoc duplici capite concludendum est obligationem semper peccatum materiale vitandi esse imaginariam.*

17 *It is proved.* Fifth part of the minor. That the compensation required by the defenders of the system can be established, there must first be taken account of the gravity of the law and its probability; then must be weighed the motives which can dispense from its observance; and afterwards it must be examined whether a true and exact proportion or equality exists between the good which the agent intends, declining the burden of the law, and the evil, as they say, of material sin which will arise from the violation of the law: and if this compensation be made not adequately, but only in part, the agent will sin more or less gravely, according to the reason of the difference[1]. But these computations, weighings, and comparisons are impossible. For: 1° the gravity of a law is estimated from its necessity or utility; but a doubtful law does not appear as necessary, and concerning its greater or lesser utility much can be disputed without the degree being precisely determined. Besides, it is certain that the legislator can command or forbid a thing grave in itself under a light penalty alone. How then will his intention, in this respect, be discernible, since it is uncertain that he willed anything? 2° If the probability of the existence of the law be examined, opinions about a merely possible fact can differ greatly. 3° If grave difficulties arise already concerning the doubtful law objectively considered, not less difficult, nay more difficult, will it be to weigh with equal scale the subjective motives of dispensation, because everyone is prone to defend his own liberty, and he who constitutes himself judge in his own cause interprets most easily beyond the just and fair, in his own favor, the principle of law: « Hatred must be restricted and favors amplified. »

1 Let us hear P. Potton himself asserting this in Theoria probabilitatis, chapter 6, n. 17: « If the excusing cause, which truly exists, nevertheless be not fully sufficient to compensate the whole damage contained in the danger of materially transgressing such a law, then there will be sin, more or less grave, according as the excusing cause falls more or less short of perfect sufficiency. And this excusing cause which perfectly sufficed to excuse from the transgression of such a law as was affected with such quantity of doubt, will no longer fully suffice, if the existence of this law become a little less doubtful, or be found a little more probable. Yet if the defect be light, if the compensation do not fall far short of perfect equality, the sin will not be grave, but light. And although, in practice, it be very difficult to perceive and measure exactly these variations, nevertheless so the thing stands, and this subtler consideration pertains to the perfect analysis of the present question. For the passage from great sin to full licitness of the act does not take place suddenly, as by an immense leap, but intermediate degrees are oftener found; just as, between the wound which takes life in an instant and perfect bodily integrity, innumerable wounds intervene, more or less grave or light, each of which holds its own degree of gravity, although in practice it be very difficult to discern degrees close to one another. ».

Prob. *5ª pars minoris. Ut compensatio a defensoribus systematis requisita statui possit, habenda est primo ratio gravitatis legis et ejus probabilitatis, deinde ponderanda sunt motiva quae dispensare possunt ab ejus observatione, et postea inspiciendum est an vera et exacta proportio seu aequalitas existat inter bonum quod intendit agens, legis onus declinando, et malum, ut aiunt, peccati materialis quod orietur ex violatione legis : et si haec compensatio non adaequate, sed partim tantum fiat, agens peccabit plus minusve graviter, pro ratione differentiae*[1]*. Atqui hae supputationes, ponderationes et comparationes sunt impossibiles. Etenim : 1° gravitas legis aestimatur ex ejus necessitate aut utilitate; sed lex dubia non apparet ut necessaria, et de ejus utilitate majori vel minori multum disceptari potest, quin gradus praecise determinetur. Aliunde certum est legislatorem rem etiam gravem in se sub levi tantum praecipere aut prohibere posse. Quomodo ergo ejus intentio, sub hoc respectu, dignosci poterit, cum incertum sit eum quidlibet voluisse? 2° Si probabilitas existentiae legis examinetur, sententiae super hoc facto mere possibili multum differre possunt. 3° Si graves difficultates jam exsurgunt quantum ad legem dubiam objective consideratam, non minus difficile, imo difficilius erit aequa lance ponderare motiva subjectiva dispensationis, quia unusquisque propensus est ad libertatem suam tuendam, et qui judex in propria causa constituitur, facillime ultra justum et aequum in sui ipsius gratiam interpretatur principium juris : « Odia restringi et favores ampliari convenit. »*

[1] *Audiamus ipsum P. Potton hoc asserentem in Theoria probabilitatis, cap. 6, n. 17 : « Si causa excusans, quae vere existit, non sit tamen plene sufficiens ad compensandum totum damnum quod in periculo transgrediendi materialiter talem legem continetur, tunc aderit peccatum, plus minusve grave, prout causa excusans plus minus a perfecta sufficientia deficiet. Et haec causa excusans quae perfecte sufficiebat ad excusandum a transgressione talis legis quae tali quantitate dubii afficiebatur, jam non plene sufficiet, si existentia hujus legis paulo minus dubia efficiatur, seu paulo probabilior inveniatur. Si tamen defectus levis sit, si compensatio a perfecta aequalitate non multum deficiat, peccatum non erit grave, sed leve. Et quamvis, in praxi, valde difficile sit has variationes perspicere et exacte mensurare, sic tamen res se habet, et haec consideratio subtilior pertinet ad perfectam praesentis quaestionis analysim. Non enim subito, quasi per ingentem saltum, fit transitus a magno peccato ad plenam liceitatem actus, sed saepius sunt gradus intermedii ; sicut, inter vulnus quod in instanti vitam aufert et perfectam corporis integritatem, mediant innumera vulnera, plus minusve gravia aut levia, et quorum unumquodque gradum suum tenet in gravitate, quamvis valde difficile sit, in praxi, gradus inter se propinquos discernere. »*

18 4° And yet, that sin be avoided, exact proportion, that is, true adequation, must be established between these indeterminate elements, which look either to the law or to the subject of the law. If from these the less learned will never extricate themselves, the more learned, impeded in them, will fall into most divergent opinions; and when action must proceed amid this practical doubt, recourse will have to be had to the safer part. Therefore the use of compensative probabilism is impossible. P. Potton fore saw this objection. He does not deny that the application of the system is at least very difficult in practice, and he answers ingenuously that the truth or falsity of any moral system is not demonstrated by the fact that it can be easily or hardly deduced into practice. Truly, this difficulty is so great as to constitute at least a moral impossibility, which would suffice to demonstrate that it is truly impossible to apply this theory to moral matters. But it has been proved, as it seems to us, that this impossibility is not only moral, but absolute; and thence our conclusion is deduced a fortiori.

4° Et tamen, ut peccatum vitetur, exacta proportio, id est vera adaequatio, statuenda est inter haec elementa indeterminata, quae sive ad legem sive ad subjectum legis respiciunt. Si ex his se expedire numquam valebunt minus docti, in his doctiores impediti in diversissimas opiniones abibunt, et eum, stante hoc dubio practico agendum fuerit, ad partem tutiorem confugiendum erit. Ergo usus probabilismi compensativi impossibilis est. Hanc objectionem praevidit P. Potton. Non negat applicationem systematis saltem difficillimam esse in praxi, et ingenue respondet, veritatem aut falsitatem alicujus systematis moralis non demonstrari eo quod facile vel difficile in praxim deduci possit. Verum, haec difficultas est tanta, ut constituat ad minus impossibilitatem moralem, quae sufficeret ad demonstrandum quod vere impossibile est hanc theoriam rebus moralibus applicare. At probatum est, ut nobis videtur, hanc impossibilitatem non esse tantum moralem, sed absolutam, et inde deducitur a fortiori nostra conclusio.

19 The minor having been proved in parts, we conclude: Therefore the system of compensative probabilism is to be rejected.

Probata per partes minore, concludimus : Ergo systema probabilismi compensativi est rejiciendum.

20 Another system akin to the preceding.

Aliud systema praecedenti affine.

21 To certain theologians of today, who are not pleased with the system of moderated probabilism, it seemed better to solve the question of the obligation of a doubtful law by the theory of an act about to have a double effect morally contrary.

Quibusdam theologis hodiernis, quibus non placet systema probabilismi moderati, visum est rectius solvi questionem de obligatione legis dubiae per theoriam actus duplicem effectum moraliter contrarium habituri.

22 This theory can be briefly exposed thus. When an act is about to have a double effect, one indeed good, which is intended, the other truly evil, which is foreseen to follow per se and proximately from

the same act, but beside the intention, this act is posited with conscience unharmed, if some law imposes it upon the agent, or if the agent have right or legitimate motive for not omitting it: and this reason exists if the good effect outweighs or at least equals the evil. And this we admit with our Billuart, who demonstrated the truth of this opinion above, dissert. I, art. 1, on the voluntary indirect or in cause.

> *Haec theoria breviter ita exponi potest. Cum actus duplicem effectum habiturus est, unum quidem bonum, qui intenditur, alterum vero malum, qui per se et proxime praevidetur ex eodem actu secuturus, sed praeter intentionem, hic actus illaesa conscientia ponitur, si agenti aliqua lege imponatur, vel si agens jus aut motivum legitimum habeat illum non omittendi : et haec ratio existit, si bonus effectus praeponderet aut saltem aequivaleat malo. Et hoc admittimus cum nostro Billuart, qui veritatem hujus sententiae demonstravit supra, dissert. I, art. 1, de voluntario indirecto seu in causa.*

23 But, say the aforesaid theologians, when the law is doubtful, from the non-observance of such law there follows a double effect, one good, which is at least the use of liberty or any other advantage whatever, and another evil, which is the violation of the law. Therefore with conscience unharmed the doubtful law is passed over, if a legitimate reason persuade it.

> *Atqui, inquiunt praedicti theologi, cum lex est dubia, ex talis legis inobservantia sequitur duplex effectus, unus bonus, qui est saltem usus libertatis vel quodlibet aliud commodum, et alter malus, qui est violatio legis. Ergo illaesa conscientia lex dubia praetermittitur, si legitima ratio id suadeat.*

24 Further, according to the same men, that the reason for passing over the doubtful law be reputed legitimate, both effects must be examined and diligently weighed, that it may be seen whether the good, which is intended, at least compensate the evil which is permitted; which compensation made, the agent licitly exempts himself from the law.

> *Porro, juxta eosdem, ut ratio legem dubiam praetermittendi legitima reputetur, examinandus est et sedulo perpendendus uterque effectus, ut videatur an bonus, qui intenditur, malum, qui permittetur, saltem compenset; qua compensatione facta, agens licite a lege se eximit.*

25 These things exposed,

> *His expositis,*

26 **I say**: 1° The theory of an act about to have a double effect, although true in itself, has no relation with the question of the obligation of a doubtful law. For: 1° in that theory, the double effect is foreseen as certain, whereas in the present case the effect which is called evil, namely the material evil of violation of the law, is only possible; and elsewhere we proved that this material evil, if perchance it be present, is altogether nothing in the genus of morals. Further, no comparison nor compensation can be instituted between something and nothing. 2° The use of liberty, which is alleged as a good effect, is nowise the effect of the act posited against the doubtful law, but is the act itself: whence this term of comparison equally fails. 3° If it were admitted that a doubtful law obligate somewhat, then liberty, in the sense intended here, would no longer exist, seeing that the agent would truly be bound by the law.

> ***Dico** : 1° Theoria actus duplicem effectum habituri, quamvis in se vera, nullam relationem habet cum questione de obligatione legis dubiae. Etenim : 1° in hac theoria, duplex effectus praevidetur ut certus, dum in casu praesenti effectus qui vocatur malus, scilicet malum materiale violationis legis, est tantum possibilis, et aliunde probavimus hoc malum materiale, si forte adsit, nihil omnino esse in genere moris. Porro, nulla comparatio nec compensatio institui potest inter*

aliquid et nihil. 2° Usus libertatis, qui obtenditur ut effectus bonus, nullimode est effectus actus contra legem dubiam positi, sed est ipsemet actus : unde hic terminus comparationis pariter deficit. 3° Si admitteretur legem dubiam aliqualiter obligare, jam non existeret libertas, in sensu hic intento, siquidem agens lege vere ligaretur.

27 2° The theologians above said suppose that the doubtful law has per se an obligatory force; which is false, as was proved above.

2° Supponunt theologi supradieti, legem dubiam habere per se vim obligatoriam ; quod falsum est, ut supra probatum fuit.

28 3° This system is nothing else than compensative probabilism, as founded upon the same principle and requiring the same condition. It is therefore undermined by the same arguments.

3° Hoc systema nihil aliud est quam probabilismus compensativus, utpote eodem principio fundatum et eamdem conditionem requirens. Iisdem ergo argumentis convellitur.

29 Let these things suffice for demonstrating the emptiness of this new system.

Haec sufficiant ad demonstrandam inanitatem hujus novi systematis.

On the Passions and the Virtues

On the Passions

[1] **Prooemium.**

Prooemium.

[2] [After St. Thomas, *I. IIae*, from q. 22 to q. 48, had discussed the acts proper to man whereby the last end can be attained, from q. 22 to q. 48 he discusses the acts common to man and other animals, which are called passions; for inasmuch as they are subject politically to the empire of reason, they participate something of its regulation and of morality, and can conduce to the last end or turn away from it: whence the governing of them occupies a great part of the virtues, and from their disordination many vices spring up. Because however there are no grave controversies about this matter, and it is scarcely treated in the schools, although it matters greatly that tyros of theology not be ignorant of it, therefore we shall run through it summarily, yet sufficiently. Likewise of the virtues, of which the holy Doctor treats from q. 55 to 70, we shall say little, for the same reasons. Therefore all things which we shall say of the passions and virtues we shall embrace compendiously in a twofold dissertation.]

[Postquam S. Thomas, I. IIae*, a q. 22 ad q. 48, disseruit de actibus homini propriis quibus ultimum finem consequi potest, a q. 22 ad q. 48 disserit de actibus homini et aliis animalibus communibus, qui dicuntur passiones; quatenus enim subsunt politice imperio rationis, participant aliquid de ejus regulatione et de moralitate, possuntque conducere ad ultimum finem, vel ab eo avertere: unde circa eas regendas occupatur magna pars virtutum, ex earumque deordinatione pullulant plurima vitia. Quia tamen circa hanc materiam non sunt graves controversiae et vix tractatur in scholis, quamvis magni referat eam theologiae tyrones non ignorare, ideo eam summatim, sufficienter tamen, percurremus. Similiter de virtutibus, de quibus agit S. Doctor a q. 55 ad 70, pauca dicemus, propter easdem rationes. Omnia ergo quae de passionibus et virtutibus dicturi sumus duplici dissertatione compendiose complectemur.]*

[3] { Question is asked 1° what passion is.

{ Quaeritur 1° quid sit passio.

[4] *I answer.* Common is the sense of all, that passion is an act of sensitive appetite whereby one is affected toward something or flees from it. But why, since it is an act, is it called passion? The reason is, because that act is apt to cause a transmutation in the natural disposition of the body, which transmutation inflicts passion, insofar as the subject suffers by losing something.

Resp. *Communis est omnium sensus, passionem esse actum appetitus sensitivi quo quis ad aliquid afficitur vel ab eo refugit. Cur autem, cum sit actus, dicatur passio? Ratio est, quia iste actus natus est causare transmutationem in dispositione naturali corporis, qua transmutatio infert passionem, quatenus subjectum patitur amittendo aliquid.*

[5] For the understanding of this it must be observed that to suffer is said in a threefold way. In one mode, commonly and widely, according as every receiving is suffering, even if nothing be cast off from the thing, as if it be said that air suffers while it is illuminated: and in this sense intellect and cognitive sense, receiving species, can be said to suffer. In another mode it is said properly to suffer when something is received with the casting off of another. And this happens in a twofold way. For

sometimes there is cast off what is unfitting to the thing, and received what is fitting: thus, when the animal body is healed, it is said to suffer, because it receives health, sickness being cast off. Sometimes, conversely, it happens while there is cast off what is fitting to the thing, and received what is unfitting: thus to be sick is said to suffer, because infirmity is received, health[1]

1 Here q. 22, a. 1, o.

> *Pro cujus intelligentia observandum est quod pati dicatur tripliciter. Uno modo, communiter et late, secundum quod omne recipere est pati, etiamsi nihil abjiciatur a re, ut si dicatur aerem pati, dum illuminatur : et hoc sensu intellectus et sensus cognoscitivus, recipiendo species, possunt dici pati. Alio modo dicitur proprie pati, quando aliquid recipitur cum alterius abjectione. Et hoc contingit dupliciter. Quandoque enim abjicitur quod non est conveniens rei, et recipitur quod est conveniens : sicut, cum corpus animalis sanatur, dicitur pati, quia recipit sanitatem, abjecta aegritudine. Quandoque, e converso, contingit dum abjicitur quod est conveniens rei, et recipitur quod est disconveniens : sic aegrotare dicitur pati, quia recipitur infirmitas, sanitate*[1]
>
> *1 Hic q. 22, a. 1, o.*

6 cast off. And this third mode is the most proper mode of passion.

> *abjecta. Et hic tertius modus est propriissimus modus passionis.*

7 Whence Augustine says, lib. IX de Civit., c. 4, n. 1: « Those motions of soul which the Greeks call πάθη, but some of ours, as Cicero, perturbations, some affections or affects, others truly, as this one [Apuleius] more expressively from the Greek, call passions. » Such motions therefore are most rightly called passions, and passion is defined by the Angelic Doctor[1] from Damascene in lib. II de Fide orthod., c. 22: « Motion of the sensible appetitive power, upon imagination of good and evil; » that is: Motion of sensitive appetite from imagination of good and evil, with bodily transmutation.

1 Here q. 22, a. 3, in arg. Sed contra et o.

> *Unde dicit Augustinus, lib. IX de Civit., c. 4, n. 1 : « Hi animi motus quos Graeci πάθη, nostri autem quidam, sicut Cicero, perturbationes, quidam affectiones vel affectus, quidam vero, sicut iste [Apuleius] de graeco expressius, passiones vocant. » Hujusmodi ergo motus rectissime passiones dicuntur, et passio definitur ab Angelico*[1] *ex Damasceno in lib. II de Fide orthod., c. 22 : « Motus appetitivae virtutis sensibilis, in imaginatione boni et mali ; » id est : Motus appetitus sensitivi ex imaginatione boni et mali, cum transmutatione corporali.*
>
> *1 Hic q. 22, a. 3, in arg. Sed contra et o.*

8 It is called motion, that is act or operation, and holds the place of genus; of sensitive appetite, because that appetite is its subject; from imagination of good or evil, whereby its principle is signified; with bodily transmutation, which distinguishes such motion from the motions of the will, which since it is not affixed to a corporeal organ, moves not itself with bodily transmutation, and from the motion of the sensitive cognitive part, which, although affixed to a corporeal organ, does not per se transmute the body physically, but only intentionally. But passion transmutes the body physically, at least the heart[2]; for in every passion something is added to or diminished from the natural motion of the heart, insofar as the heart is moved more intensely or more remissly according to systole and diastole.

2 Here q. 24, a. 2, ad 2

> *Dicitur motus, id est actus seu operatio, et tenet locum generis; appetitus sensitivi, quia iste appetitus est ejus subjectum ; ex imaginatione boni vel mali, per quod significatur ejus principium; cum transmutatione corporali, quod talem motum*

distinguit a motibus voluntatis, quae cum non sit affixa organo corporeo, non se movet cum transmutatione corporali, et a motione partis sensitivae cognoscitivae, quae, licet sit affixa organo corporeo, per se tamen non transmutat corpus physice, sed intentionaliter tantum. Passio autem physice transmutat corpus, saltem cor[2]*; in omni enim passione additur aliquid vel diminuitur a naturali motu cordis, in quantum cor intensius aut remissius movetur secundum systolem et diastolem.*

[2] *Hic q. 24, a. 2, ad 2*

9 Passion therefore imports two things[3], namely the act of the soul, which stands as it were formal, and the bodily transmutation, which stands as it were material, from which nevertheless passion is named. If the first be wanting, there will be purely bodily passion; if the second be wanting, there will be no passion, but simply a motion or operation of the soul.

[3] Q. 6 de Veritate, a. 2, ad 5.

Duo itaque importat passio[3]*, scilicet actum animae, qui se habet quasi formale, et transmutationem corpoream, quae se habet quasi materiale, a qua tamen dicitur passio. Si primum desit, erit passio pure corporalis ; si secundum desit, non erit passio, sed simpliciter motus seu operatio animae.*

[3] *Q. 6 de Veritate, a. 2, ad 5.*

10 *Question is asked* 2° how many passions there are.

Quaeritur *2° quot sunt passiones.*

11 *I answer.* There are eleven passions, six in the concupiscible appetite and five in the irascible appetite.

Resp. *Sunt undecim passiones, sex in appetitu concupiscibili et quinque in appetitu irascibili.*

12 In the concupiscible appetite are: love, or inclination into good apprehended simply, whose contrary is hatred, or aversion from evil simply; desire, or inclination into good apprehended as absent, but future, having as contrary flight, or aversion from evil apprehended as absent, but future; joy, which is also called pleasure or delight, or repose in good apprehended and really possessed, and it has as contrary sadness, or disquietude and languor of mind from evil apprehended and actually pressing.

In appetitu concupiscibili sunt : amor, seu inclinatio in bonum apprehensum simpliciter, cujus contrarium est odium, seu aversio a malo simpliciter; desiderium, seu inclinatio in bonum apprehensum ut absens, sed futurum, contrarium habens fugam, seu aversionem a malo apprehenso ut absente, sed futuro; gaudium, quod dicitur etiam voluptas vel delectatio, seu quies in bono apprehenso et realiter possesso, et contrarium habet tristitiam, seu inquietudinem et languorem animi ex malo apprehenso et actualiter injacente.

13 In the irascible appetite truly are found: hope, or motion into good apprehended as arduous, but possible of attainment, whose contrary is despair, or motion away from good apprehended as arduous and impossible of attainment; daring, or motion into good apprehended as terrible and imminent, but as surmountable, having as contrary fear, or dejection of mind from evil apprehended as terrible and imminent, and not avoidable; anger, or vehement inclination to vindicate, that is to inflict harm upon the cause by which the evil unto which we are subjected was inflicted, and of this passion there is no contrary.

In appetitu vero irascibili inveniuntur : spes, seu motus in bonum apprehensum ut arduum, sed possibile adeptu, cujus contrarium est desperatio, seu motus a bono apprehenso ut arduo et adeptu impossibili; audacia, seu motus in bonum apprehensum ut terribile et imminens, sed ut superabile, contrarium habens timorem, seu animi dejectionem ex malo apprehenso ut terribili et imminente, et non vitabili; ira, seu vehemens inclinatio ad vindicandum, id est ad inferendum nocumentum causae qua malum cui subjacemus intulit, et hujus passionis non est contrarium.

14 The reason of this distinction[1]. Since passion is an act of sensitive appetite, it is divided according to the division of appetite. Sensitive appetite is twofold, concupiscible and irascible; for in animals, as in other natural things, there is not only inclination to pursue what is convenient, but also to resist contraries and impediments. The first inclination in an animal is called concupiscible appetite, the second irascible appetite. The object of the concupiscible is sensible good or evil precisely as such, the object of the irascible is arduous good or evil. If therefore the concupiscible appetite tend toward good or evil simply, abstracting whether it be present or absent, in respect of good it is love, in respect of evil hatred; if it tend toward absent good or evil, in respect of good it is desire, in respect of evil flight; if it be occupied about present good or evil, in respect of good it is joy, in respect of evil sadness. But if the irascible appetite tend toward arduous and difficult good, either that good is possible of attainment, and hope is born, or it is impossible of attainment, and despair arises; if it flee arduous evil, either that evil is easy to repel, and daring rises up, or it is difficult to repel, and fear appears; or finally it is occupied about present evil to be avenged, and anger is provoked, to which no passion is opposed.

1 Here q. 23, a. 1, o; 1° p., q. 81, a. 2, o.

Ratio hujus distinctionis[1]. Cum passio sit actus appetitus sensitivi, dividitur secundum appetitus divisionem. Appetitus sensitivus est duplex, concupiscibilis et irascibilis ; in animalibus enim, sicut in aliis naturalibus, non solum est inclinatio ad prosequendum quod est conveniens, sed etiam ad resistendum contrariis et impedientibus. Prima inclinatio in animali dicitur appetitus concupiscibilis, secunda appetitus irascibilis. Objectum concupiscibilis est bonum aut malum sensibile praecise ut tale, objectum irascibilis est bonum aut malum arduum. Si ergo appetitus concupiscibilis feratur in bonum aut malum simpliciter, abstrahendo an sit praesens aut absens, respectu boni est amor, respectu mali est odium; si feratur in bonum aut malum absens, respectu boni est desiderium, respectu mali est fuga; si versetur circa bonum aut malum praesens, respectu boni est gaudium, respectu mali est tristitia. Si autem appetitus irascibilis feratur in bonum arduum et difficile, vel illud bonum est obtentu possibile, et spes nascitur, vel est obtentu impossibile, et desperatio oritur; si refugiat malum arduum, vel illud est repulsu facile, et audacia exsurgit, vel est repulsu difficile, et timor apparet; vel tandem versatur circa malum praesens vindicandum, et provocatur ira, cui nulla passio opponitur.

1 Hic q. 23, a. 1, o; 1° p., q. 81, a. 2, o.

15 Hence you have that passions of the concupiscible differ from passions of the irascible in this, that passions of the concupiscible bear upon opposite objects; for they tend into good or recede from evil: but passions of the irascible bear upon the same object with contrary motions.

Hinc habes passiones concupiscibilis differre a passionibus irascibilis per hoc quod passiones concupiscibilis ferantur in objecta opposita; tendunt enim in bonum vel recedunt a malo : passiones vero irascibilis ferantur in idem objectum contrariis motibus.

16 *Question is asked* 3° for what reason anger has not, like the rest, an opposite passion.

Quaeritur 3° *qua ratione ira non habeat, sicut caetera, passionem oppositam.*

17 *I answer.* Passions of the concupiscible are mutually opposed according to the contrariety of objects, namely good and evil; but in passions of the irascible there is held a twofold contrariety: one indeed, as in the passions of the concupiscible, of good and evil, as between hope and fear; but the other contrariety is according to access and recess relative to the same term, as between hope and despair, between daring and fear. Of anger says St. Thomas here q. 23, a. 3, o: « It is singular in the passion of anger that it cannot have a contrary, neither according to access and recess, nor according to the contrariety of good and evil. » And the holy Doctor brings this reason: « For anger is caused from difficult evil now pressing, at whose presence it is necessary that either the appetite succumb, and so sadness does not issue forth beyond its terms, which is a passion of the concupiscible, or it have motion toward invading the harmful evil, which pertains to anger. But it cannot have motion toward fleeing, because the evil is already posited present or past. And thus to the motion of anger no passion is contrary according to the contrariety of access and recess. Likewise also nor according to the contrariety of good and evil, because to evil already pressing is opposed good already attained, which can no longer have the reason of arduous or difficult, nor after the attainment of good does there remain any other motion than the quieting of appetite in the good attained, which pertains to joy, the passion of the concupiscible contrary to sadness; nor is merely cessation from motion opposed to it, as the Philosopher says in his Rhetoric, that to grow mild is opposed to being angry; which is not a contrary opposition [as motion is opposed to motion], but negative or privative [as cessation of motion is opposed to motion]. »

> Resp. *Passiones concupiscibilis ad invicem contrariantur secundum contrarietatem objectorum, boni scilicet et mali; in passionibus vero irascibilis habetur duplex contrarietas : una quidem, sicut in passionibus concupiscibilis, boni et mali, ut est inter spem et timorem; alia autem contrarietas est secundum accessum et recessum relative ad eundem terminum, uti est inter spem et desperationem, inter audaciam et timorem. De ira dicit S. Thomas hic q. 23, a. 3, o : « Singulare est in passione ira, quod non potest habere contrarium, neque secundum accessum et recessum, neque secundum contrarietatem boni et mali. » Et hanc rationem S. Doctor affert : « Causatur enim ira ex malo difficili jam injacente, ad cujus praesentiam necesse est quod aut appetitus succumbat, et sic non exit terminos tristitia, quae est passio concupiscibilis, aut habeat motum ad invadendum malum laesivum, quod pertinet ad iram. Motum autem ad fugiendum habere non potest, quia jam malum ponitur praesens vel praeteritum. Et sic motui irae non contrariatur aliqua passio secundum contrarietatem accessus et recessus. Similiter etiam nec secundum contrarietatem boni et mali, quia malo jam injacenti opponitur bonum jam adeptum, quod jam non potest habere rationem ardui vel difficilis, nec post adeptionem boni remanet alius motus nisi quietatio appetitus in bono adepto, quae pertinet ad gaudium, passioni concupiscibilis a bono contrariae; nec solummodo opponitur ei cessatio a motu, sicut Philosophus dicit in sua Rhetorica, quod mitescere opponitur ei quod est irasci; quod non est oppositum contrarie [ut motus opponitur motui], sed negative vel privative [sicut cessatio motus motui opponitur]. »*

18 *Question is asked* 4° whether passions can be good or bad.

> Quaeritur *4° utrum passiones possint esse bonae vel malae.*

19 *I answer.* 1. Passions of the soul can be considered in a twofold way: in one mode, in themselves; in another mode, insofar as they lie under the empire of reason and will. If therefore they be considered in themselves, namely as certain motions of irrational appetite, thus there is not in them moral good or evil, which depends upon reason; but if they be considered insofar as they lie under the empire of reason and will, thus there is in them moral good or evil. For sensitive appetite is nearer to reason itself and will than the exterior members, whose motions and acts nevertheless are morally good or bad, insofar as they are voluntary. Whence much more the passions themselves, insofar as they are

voluntary, can be called morally good or bad. But they are voluntary, either from this that they are commanded by the will, or from this that they are not prohibited by the will.

> Resp. *1. Passiones animae possunt considerari dupliciter : uno modo, secundum se; alio modo, secundum quod subjacent imperio rationis et voluntatis. Si igitur secundum se considerentur, prout scilicet sunt quidam motus irrationalis appetitus, sic non est in iis bonum vel malum morale, quod dependet a ratione ; si autem considerentur secundum quod subjacent imperio rationis et voluntatis, sic est in eis bonum vel malum morale. Propinquior est enim appetitus sensitivus ipsi rationi et voluntati, quam membra exteriora, quorum tamen motus et actus sunt boni vel mali moraliter, secundum quod sunt voluntarii. Unde multo magis et ipsae passiones, secundum quod sunt voluntariae, possunt dici bonae vel malae moraliter. Sunt autem voluntariae, vel ex eo quod a voluntate imperantur, vel ex eo quod a voluntate non prohibentur.*

20 But then they are good when they are moderated by reason; bad, when they are beyond the order of reason[2]. Hence Christ, having no sin, employed passions where he judged according to reason that they should be employed, thus Marc., III, 5, he looked round about with anger; ibid., XIV, 34, his soul was sad even unto death; Luc., XIX, 41, he wept over Jerusalem; Joann., XI, 33 and 34, he troubled himself and wept. And the Apostle, Rom., XII, 15, commands to rejoi-

2 Ibid., a. 2, o.

> *Tunc autem sunt bonae, quando sunt a ratione moderatae; malae, quando sunt praeter ordinem rationis[2]. Hinc Christus, nullum habens peccatum, adhibuit passiones ubi judicavit secundum rationem eas esse adhibendas, sic Marc., III, 5, circumspexit cum ira; ibid., XIV, 34, tristis fuit ejus anima usque ad mortem; Luc., XIX, 41, flevit super Jerusalem; Joann., XI, 33 et 34, turbavit semetipsum et lacrymatus est. Et Apostolus, Rom., XII, 15, jubet gau-*
>
> 2 *Ibid., a. 2, o.*

21 1

1 Here q. 24, a. 1, o.

> *1*
>
> 1 *Hic q. 24, a. 1, o.*

22 ce with those who rejoice, weep with those who weep. And that is the common sense of men, that punishment can rightly be feared, good loved, evil fled, and deservedly; since sensitive appetite is from God as author of nature, there cannot fail to be some acts of it good, if they be regulated and commanded by reason.

> *dere cum gaudentibus, flere cum flentibus. Isque est sensus communis hominum, posse recte timeri supplicium, amari bonum, fugere malum, et merito; cum enim appetitus sensitivus sit a Deo ut naturae authore, non possunt non esse aliqui ejus actus boni, si a ratione regulentur et imperentur.*

23 But the rule and moderation of reason is attended to, not precisely according to intension or remission of passion, but according as, object and circumstances considered, right reason demands it intensified or remitted. Therefore not always does he sin who vehemently grows angry, or grieves, or fears, but he who exceeds what right reason demands in these or those circumstances. Whence Moses, Exod., XXXII, 19, is read to have been greatly angered on account of the adoration of the calf; Num., XXV, 11, the zeal and indignation of Phinees is praised; I Reg., II and IV, Heli is reprehended because he was not sufficiently indignant at his sons; finally Christ himself, as we already said, was saddened even unto death.

Attenditur autem regula et moderatio rationis, non praecise secundum intensionem aut remissionem passionis, sed secundum quod, consideratis objecto et circumstantiis, recta ratio exigit eam intendi aut remitti. Non ergo semper peccat qui vehementer vel irascitur, vel dolet, vel timet, sed qui excedit quod exigit recta ratio in his vel illis circumstantiis. Unde Moyses, Exod., XXXII, 19, legitur fuisse valde iratus propter adorationem vituli; Num., XXV, 11, laudatur zelus et indignatio Phinees; I Reg., II et IV, reprehenditur Heli quod non satis fuerit filiis suis indignatus; tandem ipse Christus, ut jam diximus, tristatus est usque ad mortem.

24 *Question is asked* 5° whether passion, while cooperating with reason and will, diminish or augment the goodness of the moral act.

Quaeritur *5° utrum passio, dum rationi et voluntati cooperatur, diminuat vel augeat bonitatem actus moralis.*

25 Before the response, note that passions of the soul can stand in a twofold way toward will and reason, namely antecedently and consequently, and this latter in a twofold way[1]: 1° by way of redundancy; for when the superior part of the soul is intensely moved into something, the inferior part follows her motion; 2° by way of election, namely when man from judgment of reason elects to be affected with some passion, that he operate more promptly and fervently, the sensitive appetite cooperating. This noted,

1 Ibid., a. 3, ad 1.

Ante responsionem, nota passiones animae posse se habere dupliciter ad voluntatem et rationem, antecedenter scilicet et consequenter, et hoc ultimum dupliciter[1] : 1° per modum redundantiae; quando enim superior pars animae intense movetur in aliquid, pars inferior sequitur ejus motum; 2° per modum electionis, quando scilicet homo ex judicio rationis eligit affici aliqua passione, ut promptius et fervidius operetur cooperante appetitu sensitivo. Hoc notato,

1 Ibid., a. 3, ad 1.

26 *I answer.* 1° Passion antecedent to reason and will diminishes the goodness of the act, because it obscures the judgment of reason, whence depends the goodness of the moral act; for it is more laudable that one do the work of charity from judgment of reason than from mere passion of mercy[2].

2 Ibid.

Resp. *1° Passio antecedens rationem et voluntatem diminuit bonitatem actus, quia obnubilat judicium rationis, ex quo dependet bonitas actus moralis; laudabilius est enim quod ex judicio rationis aliquis faciat opus charitatis, quam ex sola passione misericordiae[2].*

2 Ibid.

27 2° Passion consequent upon will by way of redundancy is a sign of intenser will, and thus indicates greater moral goodness, yet does not augment it[1].

1 Ibid.

2° Passio consequens voluntatem per modum redundantiae, est signum intensioris voluntatis, sicque indicat majorem bonitatem moralem, non tamen auget[1].

1 Ibid.

28 3° Passion consequent by way of election augments the goodness of the act[2]; because, since the good of man consists in reason as in root, so much the more perfect is that good, the more widely it extends to the many things that suit man: whence no one doubts that to the perfection of moral good pertains that the acts of exterior members be directed by rule of reason. But sensitive appetite can

obey reason, as was said. Therefore to perfection of moral good pertains that even the passions themselves of the soul be regulated by reason. Therefore as it is better that man both will good and do it by exterior act, so also is it better that man be moved toward good according to will and according to sensitive appetite, according to that of Psal. LXXXIII, 3: *My heart and my flesh exulted in the living God*; which is to be understood thus, that we take heart for the intellective appetite, flesh however for the sensitive appetite.]

[2] Ibid. et o.

> *3° Passio consequens per modum electionis, auget bonitatem actus[2]; quia, cum bonum hominis consistat in ratione sicut in radice, tanto istud bonum est perfectius, quanto ad plura quae homini conveniunt extenditur : unde nullus dubitat quin ad perfectionem boni moralis pertineat quod actus membrorum exteriorum per rationis regulam dirigantur. Atqui appetitus sensitivus potest obedire rationi, ut dictum est. Ergo ad perfectionem boni moralis pertinet quod etiam ipsae passiones animae sint regulatae per rationem. Sicut igitur melius est quod homo et velit bonum, et faciat illud exteriori actu, ita etiam melius est quod homo ad bonum moveatur secundum voluntatem et secundum appetitum sensitivum, juxta illud Psal. LXXXIII, 3 :* Cor meum et caro mea exultaverunt in Deum vivum*; quod intelligendum est ita ut cor accipiamus pro appetitu intellectivo, carnem autem pro appetitu sensitivo.]*
>
> [2] *Ibid. et o.*

On the passions in particular

[1] St. Thomas, from q. 26 to q. 48.

> *D. Thomas, a q. 26 ad 48.*

[2] **§ I**

> ***§ I***

[3] On the passions of the concupiscible appetite.

> *De passionibus appetitus concupiscibilis.*

[4] St. Thomas, from q. 26 to q. 39.

> *D. Thomas, a q. 26 ad 39.*

[5] I. LOVE. — 1° Love, as such, is « complacency in good »[3]. Understand a firm and robust complacency domineering the appetite; for if it be yet recent and weak, it will rather be the rudiment and beginning of love than love. Or otherwise:

[3] Here [q. 26, a. 1, o.

> *I. AMOR. — 1° Amor, ut sic, est « complacentia boni »[3]. Intellige complacentiam firmam et robustam dominantem appetitui; si enim sit adhuc recens et infirma, erit potius rudimentum et inchoatio amoris, quam amor. Seu aliter :*
>
> [3] *Hic [q. 26, a. 1, o.*

[6] « Love is propensity or inclination unto good according to itself, abstracting whether it be present or absent. »

> *« Amor est propensio seu inclinatio in bonum secundum se, abstrahendo an sit praesens vel absens. »*

[7] Love is threefold, as appetite is threefold, namely rational or intellective, sensitive or animal, and natural[1]. Rational love is inclination unto good apprehended by intellect; sensitive is inclination unto

good apprehended by sense, and this alone is passion: natural is the inclination of each nature, whether cognoscitive or not, implanted by the author of nature unto good convenient to it, as of a stone toward the center.

[1] Ibid., a. 1, o.

> *Triplex est amor, sicut triplex est appetitus, scilicet rationalis seu intellectivus, sensitivus seu animalis, et naturalis*[1]*. Amor rationalis est inclinatio in bonum per intellectum apprehensum; sensitivus est inclinatio in bonum per sensum apprehensum, et hic solus est passio : naturalis est inclinatio cuique naturae, sive cognoscitivae sive non, ab authore naturae indita, in bonum sibi conveniens, ut lapidis in centrum.*
>
> [1] *Ibid., a. 1, o.*

[8] Love, whether rational or sensitive, is divided into love of friendship and love of concupiscence[2]. Because to love is to will good to someone, the motion of love tends into two things, namely into the good which one wills to someone, whether to himself or to another, and into him to whom he wills good. The first is love of concupiscence, the second love of friendship. Love of friendship is love simply, because what is loved with love of friendship is loved simply and according to itself. Love of concupiscence is love secundum quid, because what is loved with love of concupiscence is not loved simply and according to itself, but is loved for another. Whence, while you love someone because he is useful to you, you love yourself with love of friendship, but him with love of concupiscence; if however you will good to him on account of himself, you love him with love of friendship.

[2] Ibid., a. 4, o.

> *Amor sive rationalis sive sensitivus dividitur in amorem amicitiae et in amorem concupiscentiae*[2]*. Quia amare est velle alicui bonum, motus amoris in duo tendit, scilicet in bonum quod quis vult alicui, sive sibi, sive alteri, et in eum cui vult bonum. Primus est amor concupiscentiae, secundus amor amicitiae. Amor amicitiae est simpliciter amor, quia quod amatur amore amicitiae simpliciter et secundum se amatur. Amor concupiscentiae est amor secundum quid, quia quod amatur amore concupiscentiae non simpliciter et secundum se amatur, sed amatur alteri. Unde, dum amas aliquem quia tibi est utilis, te amas amore amicitiae, illum autem amore concupiscentiae ; si autem illi velis bonum propter ipsum, illum amas amore amicitiae.*
>
> [2] *Ibid., a. 4, o.*

[9] 2° The principal cause of love is good, because good is the object of love; but the object of love is its moving cause. Another cause of love is cognition, because the object moves not unless known, whence it is said: « Of the unknown there is no desire. » The third cause of love is similitude, according to that Eccli., XII, 19: Every beast loveth its like; whence the common adage: « Like rejoices in like »[3].

[3] Here q. 27, a. 1, 2 et 3, o.

> *2° Causa praecipua amoris est bonum, quia bonum est objectum amoris, objectum autem amoris est causa motiva illius. Altera causa amoris est cognitio, quia objectum non movet nisi cognitum, unde dicitur : « Ignoti nulla cupido. » Tertia causa amoris est similitudo, juxta illud Eccli., XII, 19 :* Omne animal diligit simile sibi*; unde commune adagium : « Simile simili gaudet »*[3]*.*
>
> [3] *Hic q. 27, a. 1, 2 et 3, o.*

[10] But similitude is twofold[4]: one actual, while two have the same thing in act, e. g., two men humanity, two walls whiteness; the other potential, while one has power unto the form which the

other has in act, as various foods, which through nutrition or assimilation pass into the species of the animal, reduced under its form. The first similitude causes love of friendship. For when two acts are alike in the same form, they are in a certain way one in that form: as two men are one in the species of humanity, and therefore the affection of the one tends into the other as into one [conformed] to itself, and wills him good as to itself. The second similitude causes love of concupiscence, because it makes that he who has only in potency the form which the other has in act, desire it, in whose attainment he delight, if he be sentient and knowing.

4 Ibid., a. 3, o.

> *Est autem duplex similitudo[4] : una actualis, dum duo habent idem actu, v. g., duo homines humanitatem, duo parietes albedinem; altera potentialis, dum unus habet potentiam ad formam quam alter actu habet, sicut varii cibi, qui per nutritionem seu assimilationem transeunt in speciem animalis, sub ejus forma redacti. Prima similitudo causat amorem amicitiae. Quando enim sunt duo actus similes in eadem forma, sunt quodam modo unum in illa forma : sicut duo homines sunt unum in specie humanitatis, et ideo affectus unius tendit in alterum sicut in unum sibi, et vult ei bonum sicut sibi. Secunda similitudo causat amorem concupiscentiae, quia facit quod qui habet solam in potentia formam quam alter actu habet, eam appetat, in cujus consecutione delectetur, si sit sentiens et cognoscens.*
>
> *4 Ibid., a. 3, o.*

11 Per accidens however from similitude hatred is born[1], when namely the like in one is impeding of good or excellence in another; whence he becomes hateful to the other, not qua like, but qua impeding that good. And thence another common adage from the Philosopher, VIII Ethic., c. 1: « The potter hates the potter; » and that Prov., XIII, 10: Among the proud there are always contentions.

1 Ibid.

> *Per accidens tamen ex similitudine nascitur odium[1], quando nempe simile in uno est impeditivum boni aut excellentiae in altero; unde fit alteri odiosus, non qua similis, sed qua impeditivus illius boni. Et hinc aliud commune adagium ex Philosopho, VIII Ethic., c. 1 : « Figulus figulum odit; » et illud Prov., XIII, 10 :* Inter superbos semper jurgia sunt.
>
> *1 Ibid.*

12 To these causes of love can be added sympathy or natural propensity of one unto another, society, familiarity, communication in goods or secrets.

> *His amoris causis adjungi possunt sympathia seu propensio naturalis unius ad alterum, societas, familiaritas, communicatio in bonis aut secretis.*

13 3° The first effect of love is union: whence Dionysius, c. 4 de Divin. nomin., says love to be an uniting force[2]. Union moreover is twofold: one real, whereby the beloved is present to the lover; the other affective, whereby from preceding apprehension someone is affected toward another. The first love causes effectively, because it moves the lover unto seeking the presence of the beloved; yet not so that the beloved be substantially in the lover, for this is impossible, but in every way which is possible and fitting, namely that they be mutually present to each other, converse together, and be joined in other ways beseeming love.

2 Here q. 28, a. 1, o.

> *3° Primus effectus amoris est unio : unde Dionysius, c. 4 de Divin. nomin., dicit, amorem esse vim unitivam[2]. Duplex est autem unio : una realis, qua amatum est praesentialiter amanti; altera affectiva, qua ex apprehensione praecedente aliquis afficitur ad alterum. Primam causat amor effective, quia movet amantem ad quaerendam praesentiam amati; non*

sic tamen ut amatum sit substantialiter in amante, hoc enim est impossibile, sed omni modo qui est possibilis et conveniens, ut scilicet sibi adsint invicem, simul conversentur, aliisque modis amorem decentibus conjungantur.

[2] *Hic q. 28, a. 1, o.*

14 The second effect of love is adherence[3]; third, ecstasis[4]; fourth, zeal[1]; fifth, injury to the lover[2]; sixth and most universal, speaking of love as such, inasmuch as it comprehends rational, sensitive and natural [love], is the general influx into all things which the loving one does[3]: 1° because every agent acts on account of some end. But the end is the beloved good. *Therefore* every agent, whatsoever it do, acts from some love; 2° because love is lord of the appetite, whose it is to apply unto acting; 3° because love is the root of all other affections and passions which move the animal. But if we speak of the sensitive appetite and as it is passion, it is not the cause of all that the lover does, because certain things he does or can do from election of the will, without passion.

[3] Ibid., a. 2, o.

[4] Ibid., a. 3, o.

[1] Ibid., a. 4, o.

[2] Ibid., a. 5, o.

[3] Ibid., a. 6, o.

Secundus effectus amoris est adhaesio[3]; tertius, extasis[4]; quartus, zelus[1]; quintus, laesio amantis[2]; sextus et universalissimus, loquendo de amore ut sic, prout comprehendit rationalem, sensitivum et naturalem, est generalis influxus in omnia quae agit amans[3] : 1° quia omne agens agit propter aliquem finem. Finis autem est bonum amatum. Ergo omne agens, quodcumque agat, agit ex aliquo amore; 2° quia amor est dominus appetitus, cujus est applicare ad agendum; 3° quia amor est radix omnium aliorum affectuum et passionum quae movent animal. Si autem loquamur de appetitu sensitivo et prout est passio, non est causa omnium quae amans agit, quia quaedam agit aut agere potest ex electione voluntatis, sine passione.

[3] *Ibid., a. 2, o.*

[4] *Ibid., a. 3, o.*

[1] *Ibid., a. 4, o.*

[2] *Ibid., a. 5, o.*

[3] *Ibid., a. 6, o.*

15 To these effects of love the holy Doctor joins four others, namely: liquefaction, fruition, languor and fervor. — All these things, which here we are forced only to note, will be read most usefully in the Angelic Doctor himself, in the places cited.

His effectibus amoris adjungit S. Doctor alios quatuor, scilicet : liquefactionem, fruitionem, languorem et fervorem. - Haec omnia, quae hic notare tantum cogimur, utilissime apud ipsum Angelicum legentur, in locis citatis.

16 II. HATRED. — As love is propensity and weight unto good or the fitting, so hatred is aversion from evil or the unfitting[4]. Understand concerning hatred of abomination, whereby someone or something, for instance death, punishment, etc., we abominate and flee as evil; not concerning hatred of enmity, whereby we will evil to someone; for that is not aversion but prosecution of something which we apprehend as good with respect to ourselves and as evil with respect to him whom we hold in hatred of abomination.

[4] Here q. 29, a. 1, o.

> *II. ODIUM. — Sicut amor est propensio et pondus in bonum seu conveniens, ita odium est aversio a malo seu disconvenienti*[4]*. Intellige de odio abominationis, quo aliquem vel aliquid, puta mortem, supplicium, etc., tamquam malum abominamur et fugimus, non de odio inimicitiae, quo alicui malum volumus; istud enim non est aversio, sed prosecutio alicujus quod apprehendimus ut bonum respectu nostri et ut malum respectu illius quem odio abominationis habemus.*
>
> [4] *Hic q. 29, a. 1, o.*

[17] Hatred is born from love, because from the fact that something is loved as fitting, its contrary, as unfitting, is held in hatred[5].

[5] Ibid., a. 2, o.

> *Odium nascitur ex amore, quia ex eo quod aliquid ametur ut conveniens, ejus contrarium, ut disconveniens, odio habetur*[5]*.*
>
> [5] *Ibid., a. 2, o.*

[18] III and IV. DESIRE and FLIGHT. — Desire is the affection of appetite tending unto good absent, whereby it differs from delight, which is of good present, and from love, which is of good according to itself, as it abstracts from present or absent[1]. Flight, which is opposed to desire, is aversion and recession from future evil.

[1] Here q. 30, a. 2, o.

> *III et IV. DESIDERIUM et FUGA. — Desiderium est affectus appetitus tendens in bonum absens, per quod differt a delectatione, quae est de bono praesenti, et ab amore, qui est de bono secundum se, ut abstrahit a praesenti vel absenti*[1]*. Fuga, quae opponitur desiderio, est aversio et recessus a malo futuro.*
>
> [1] *Hic q. 30, a. 2, o.*

[19] V. JOY or delight. — Delight is the rest of appetite in good possessed: if it be rational appetite, it is spiritual delight; if of the sensitive appetite, it is sensible delight, which alone is passion, because it alone is with corporal transmutation[2]. For here the rest of appetite, whether rational or sensitive, ought not to be taken privatively for cessation from every act, as in insensible things, which when they attain their perfection feel it not, and therefore are held to rest through mere cessation of motion: but truly cognitive beings, while they attain their perfection, perceive or know it, and from that knowledge or sense is caused a certain motion of the soul in the good present complacent and resting, and that motion is delight.

[2] Here q. 31, a. 1, o.

> *V. GAUDIUM seu delectatio. — Delectatio est quies appetitus in bono possesso : si sit appetitus rationalis, est delectatio spiritualis; si appetitus sensitivi, est delectatio sensibilis, quae sola est passio, quia sola est cum transmutatione corporali*[2]*. Non enim hic quies appetitus sive rationalis sive sensitivi sumi debet privative pro cessatione ab omni actu, sicut in rebus insensibilibus, quae dum suam perfectionem consequuntur, id non sentiunt, et ideo censentur quiescere per solam cessationem motus : at vero entia cognoscitiva, dum perfectionem suam consequuntur, id percipiunt seu cognoscunt, et ex ista cognitione seu sensu causatur quidam motus animae in bono praesenti complacentis et quiescentis, et iste motus est delectatio.*
>
> [2] *Hic q. 31, a. 1, o.*

20 Although intellectual delights in themselves are greater than sensual ones, because they are of nobler object and good more delectable in themselves, and are more firm; nevertheless, as regards us, sensual delights are greater than spiritual ones, partly because sensibles are more known to us than intelligibles, partly because sensual delights are with corporal transmutation, and are desired as certain necessary medicines: whence it happens that more follow sensual delights than spiritual ones.

> *Quamvis delectationes intellectuales secundum se sint majores sensualibus, quia sunt de nobiliori objecto et bono magis secundum se delectabili, suntque firmiores; attamen, quoad nos, delectationes sensuales sunt majores spiritualibus, partim quia sensibilia sunt magis nobis nota quam intelligibilia, partim quia delectationes sensuales sunt cum transmutatione corporali, et appetuntur ut necessariae quaedam medicina : unde fit quod plures sequantur delectationes sensuales quam spirituales.*

21 The causes of delight are[3]: first, the very operation, for unto delight two things are required, namely attainment of convenient good and knowledge or perception of this attainment, but each is operation; second, motion or mutation and alteration; third, hope of the future; fourth memory of the past; fifth, similitude.

3 Ibid., a. 5, o.

> *Causae delectationis sunt[3] : prima, ipsa operatio, nam ad delectationem duo requiruntur, scilicet consecutio boni convenientis et cognitio seu perceptio hujus consecutionis, utraque autem est operatio; secunda, motus seu mutatio et alternatio; tertia, spes futuri; quarta memoria praeteriti; quinta, similitudo.*
>
> *3 Ibid., a. 5, o.*

22 The effects of delight are[4]: 1° dilation of heart, which seems to unfold and diffuse itself; 2° it causes thirst and desire of itself, when namely imperfectly had; 3° it aids the act of reason, when it is itself spiritual, and impedes, nay sometimes absorbs this act, if it be corporeal [1];

4 Here q. 32, a. 1, 2, 3 et 7, o.

1 « There is a certain delight which is had from the very act of reason, as when someone delights in contemplating or reasoning, and such delight impedes not the use of reason but aids it, because we attend more attentively to that wherein we delight ; attention however aids operation. But corporal delights impede the use of reason for a threefold reason : 1° indeed by reason of distraction, because we attend much to those things in which we delight...; 2° by reason of contrariety; for certain delights most exceeding are against the order of reason...; 3° according to a certain binding, since namely upon corporal delight there follows a certain corporal transmutation, greater even than in other passions, inasmuch as the appetite is affected more vehemently toward the thing present than toward the thing absent. » Here a. 3, o.

> *Effectus delectationis sunt[4] : 1° dilatatio cordis, quod sese explicat ac diffundere videtur; 2° causat sitim et desiderium sui, quando scilicet imperfecte habetur; 3° adjuvat actum rationis, quando est ipsa spiritualis, et impedit, imo quandoque absorbet hunc actum, si sit corporalis[1];*
>
> *4 Hic q. 32, a. 1, 2, 3 et 7, o.*
>
> *1 « Est quaedam delectatio quae habetur de ipso actu rationis, sicut cum aliquis delectatur in contemplando vel ratiocinando, et talis delectatio non impedit usum rationis, sed adjuvat, quia illud attentius operamur in quo delectamur ; attentio autem adjuvat operationem. Sed delectationes corporales impediunt usum rationis triplici ratione : 1° quidem ratione distractionis, quia ad ea in quibus delectamur multum attendimus...; 2° ratione contrarietatis; quaedam enim delectationes maxime superexcedentes sunt contra ordinem rationis...; 3° secundum quamdam ligationem, in quantum scilicet ad delectationem corporalem sequitur quaedam transmutatio corporalis, major etiam quam in aliis passionibus, quanto vehementius afficitur appetitus ad rem praesentem quam ad rem absentem. » Hic a. 3, o.*

23 4° it perfects the very operation whereby it is perceived.

> *4° perficit ipsam operationem qua percipitur.*

24 VI. SORROW. — Sorrow is the affection of appetite caused from apprehension of evil present [2]. It is clear from what was said of delight, to which it is opposed. Similarly its causes and effects are known from the contrary causes and effects of delight.

2 Here qq. 35, 36 et 37

> *VI. TRISTITIA. — Tristitia est affectus appetitus causatus ex apprehensione mali praesentis[2]. Patet ex dictis de delectatione, cui opponitur. Similiter ejus causae et effectus ex causis et effectibus contrariis delectationis cognoscuntur.*
>
> *2 Hic qq. 35, 36 et 37*

25 The remedies of sorrow are [3]: The first, any delight whatever. The second, tears, sighs, groans, and other exterior signs of sorrow: partly because everything noxious shut up within afflicts more, because the intensification of the soul about it is multiplied more; but when it diffuses unto exterior things, then the intensification of the soul is in a certain way disaggregated unto exterior things, and thus interior grief is diminished: partly because tears and groans are operations fitting to the saddened and grieving, but every fitting operation brings delight.

3 Here q. 38, through five articles.

> *Remedia tristitiae sunt[3] : Primum, quaelibet delectatio. Secundum, fletus, suspiria, gemitus, aliaque exteriora signa tristitiae : partim quia omne nocivum interius clausum magis affligit, quia magis multiplicatur intensio animae circa illud; quando autem ad exteriora diffunditur, tunc animae intensio ad exteriora quodam modo disagregatur, et sic interior dolor minuitur : partim quia fletus et gemitus sunt operationes convenientes tristato et dolenti, omnis autem operatio conveniens affert delectationem.*
>
> *3 Hic q. 38, per quinque art.*

26 The third is the conversation of friends, because through this that friends grieve with him who suffers, he perceives himself loved by them; which is delightful. The fourth, for the wise, is contemplation of truth, because in contemplation of truth is greatest delight. The fifth, sleep and bath, whereby while the due state of the body disturbed by grief is restored, the mind is at once with the body refreshed.]

> *Tertium est amicorum conversatio, quia per hoc quod amici contristantur ei qui dolet, is percipit se ab eis amari; quod est delectabile. Quartum, pro sapientibus, est contemplatio veritatis, quia in contemplatione veritatis maxima est delectatio. Quintum, somnus et balneum, quibus dum debitus corporis status dolore turbatus restituitur, animus simul cum corpore reficitur.]*

27 **§ II. — On the passions of the irascible appetite.**

> ***§ II. — De passionibus appetitus irascibilis.***

28 I and II. *Hope* and *Desperation*. — Hope is the motion of appetite tending unto future good difficult and arduous, possible however of attainment. Desperation, on the contrary, is the motion receding from arduous good impossible of attainment, at least morally [1]. In youths and drunkards and others who use not deliberation, hope abounds, because through inconsiderateness of difficulties they easily judge themselves able to obtain what they will.

[1] Here [q. 40.

I et II. Spes *et* Desperatio. — *Spes est motus appetitus tendens in bonum futurum difficile et arduum, adeptu tamen possibile. Desperatio, e contra, est motus recedens a bono arduo adeptu impossibile, saltem moraliter*[1]*. In juvenibus et ebriis aliisque qui non utuntur deliberatione, abundat spes, quia propter difficultatum inconsiderationem facile aestimant se id posse consequi quod volunt.*

[1] *Hic [q. 40.*

29 Audacity is the motion of appetite unto invading and overcoming [2]. It is said terrible, because light evils are despised. Nor does it stand against that every act of prosecution, such as audacity is, concerns good; for audacity is indeed concerning good, but also concerning evil under the rationale of good. For it is borne into evil to be overcome and put to flight, which victory and putting to flight is good and useful unto obtaining the good which appetite hopes.

[2] Here q. 45.

Audacia est motus appetitus invadendum et superandum[2]*. Dicitur terribile, quia mala levia contemnuntur. Neque obstat quod omnis actus prosecutionis, qualis est audacia, sit de bono; nam audacia est quidem de bono, sed etiam de malo sub ratione boni. Fertur enim in malum vincendum et fugandum, quae victoria et fugatio est bona et utilis ad consequendum bonum quod sperat appetitus.*

[2] *Hic q. 45.*

30 IV. *Fear*. — Fear is the motion of appetite around future evil arduous imminent, unto which resistance can be made only with difficulty; or it is the casting down of mind conquered by gravity of peril [3]. The effect of fear is contraction, not only metaphorical whereby the appetite conquered by evil recedes and gathers itself into itself, but proper and corporal, inasmuch as from fear valor and spirits are contracted unto the interior parts, especially unto the heart, not that thence they make onset, as in anger, desire and audacity: as we see in cities that, when citizens fear, they withdraw themselves from exterior places and recur, as much as they can, unto interior and more fortified places, that they may be saved [4].

[3] Here q. 41.

[4] Here q. 44, a. 1, o.

IV. Timor. — *Timor est motus appetitus circa malum futurum arduum imminens cui nonnisi difficile potest resisti, seu est dejectio animi victi gravitate periculi*[3]*. Effectus timoris est contractio, non solum metaphorica qua appetitus a malo victus recedit et in se ipso colligitur, sed propria et corporalis, quatenus ex timore valor et spiritus ad interiora, praecipue ad cor, contrahuntur, non ut inde impetum faciant, sicut in ira, desiderio et audacia : sicut videmus in civitatibus quod, quando cives timent, retrahunt se ab exterioribus et recurrunt, quantum possunt, ad interiora et munitiora, ut salventur*[4]*.*

[3] *Hic q. 41.*

[4] *Hic q. 44, a. 1, o.*

31 From this effect several others are born, namely trembling, pallor, interclusion of voice, erection of hairs, sometimes sudden hoariness, fainting of spirit, stupor, disturbance of mind, thirst, aridity of the jaws, etc.

Ex hoc effectu plures alii nascuntur, scilicet tremor, pallor, vocis interclusio, erectio capillorum, quandoque subita canities, deliquium animi, stupor, turbatio mentis, sitis, faucium ariditas, etc.

32 V. *Anger*. — Anger is appetite of vindication with fervor of blood around the heart [1]. It differs from hatred of enmity in this, that hatred wills evil to the neighbor as evil to him, but the angry man wills him evil under the rationale of just vindication.

1 Here qq. 46 et 47.

> *V.* Ira. — *Ira est appetitus vindictae cum fervore sanguinis circa cor*[1]*. Differt ab odio inimicitiae in eo quod odium velit malum proximo ut illi malum, iratus autem vult illi malum sub ratione justi vindicativi.*
>
> [1] *Hic q. 46 et 47.*

33 The principal cause of anger is slight estimation and contempt, which is the greater the greater the excellence of the angry one.

> *Praecipua causa ira est parvipensio et contemptus, qui eo major est quo major est excellentia irati.*

34 The effects of anger are: 1° delight on account of hope of vindication, which is remedy of injury received; 2° fervor in the heart; 3° disturbance of mind and body; 4° taciturnity, either because the reason disturbed finds nothing worthy of the passion, or because so great is the disturbance that the tongue is impeded from natural use [2].

2 Here q. 48.

> *Effectus irae sunt : 1° delectatio ob spem vindictae, quae est remedium injuriae acceptae; 2° fervor in corde; 3° turbatio mentis et corporis; 4° taciturnitas, vel quia turbata ratione passione digna non reperit, vel quia tanta est turbatio, ut lingua ab usu naturali impediatur*[2]*.*
>
> [2] *Hic q. 48.*

35 [After human acts and passions, St. Doctor considers the principles of human acts, and first the intrinsic principles, which are powers and habits. But because concerning powers he already spoke in 1a p., q. 77, he treats here only of habits, and first of habits in general, from q. 49 to q. 54. But because what pertains to habits in general are properly philosophical and less necessary, therefore we omit them here. Then he considers habits in particular, and first of good habits, which are virtues; secondly, of evil habits, namely vices and sins. Therefore a few things will be said by us here of virtues, but afterward we shall treat of sins.]

> *[Post actus humanos et passiones, considerat S. Doctor principia actuum humanorum, et primo principia intrinseca, quae sunt potentiae et habitus. Sed quia de potentiis jam dixit in 1a p., q. 77, de habitibus tantum hic agit, et primo de habitibus in genere, a q. 49 ad q. 54. Quia vero quae spectant habitus in genere proprie sunt philosophica et minus necessaria, ideo ea hic omittimus. Deinde considerat de habitibus in speciali, et primo de habitibus bonis, qui sunt virtutes; secundo, de habitibus malis, scilicet de vitiis et peccatis. Itaque de virtutibus pauca dicentur a nobis hic, postea autem de peccatis tractabimus.]*

On the Virtues

1 *D. Thomas, q. 55.*

> D. Thomas, q. 55.

What is virtue, and of how many kinds?

1 [I. — The name virtue is derived from the substantive vis, which expresses fortitude, because the habits of the virtues make the soul strong, and each of their acts supposes some fortitude, without which it cannot be exercised. Sometimes virtus is taken for the very effect of an operative power, as Matth., VII, 22 : *In thy name we have done many virtues*. But here it is taken for a certain quality superadded to rational creature, whereby it comes to act promptly, easily and rightly.

[I. — Nomen virtutis a substantivo vis, quod fortitudinem exprimit, derivatum est, quia habitus virtutum animam fortem efficiunt, et quilibet eorum actus aliquam fortitudinem supponit, sine qua non potest exseri. Quandoque sumitur virtus pro ipso effectu potentiae operativae, ut Matth., VII, 22 : In nomine tuo multas virtutes fecimus. *Sed hic sumitur pro quadam qualitate superaddita creaturae rationali, qua fit ut operetur prompte, facile et recte.*

2 Virtue is defined by Cicero, book II de Inventione : « A habit of mind consonant with nature in its manner and with reason. » True indeed it is that it is such a habit; but, as St. Aug. observes, book IV contra Julian. Pelagian., c. 3, n. 19, those who thus described virtue « knew not what is consonant with the nature of mortals to be freed and beatified. » He himself says, de Morib. Eccles. cathol., c. 6, that virtue is « a habit and as it were a quality of a wise soul, making the soul most good. » Whence came forth the following definition admitted by the Angelic Doctor[1] : « Virtue is a good quality of the mind, by which one lives rightly, which no one uses ill, which God works in us without us. » Thus the Holy Doctor defends it there: « That definition perfectly embraces the whole reason of virtue. For the perfect reason of anything is gathered from all its causes. Now the aforesaid definition embraces all the causes of virtue. For the formal cause of virtue, as of any thing whatever, is taken from its genus and difference, when it is called a good quality; for the genus of virtue is quality, but the difference good. Yet a more fitting definition would be if habit were put in place of quality, which is the proximate genus. Virtue however has no matter out of which, like the other accidents, but has matter about which, and matter in which, namely subject. And the matter about which is the object of virtue, which could not be put in the aforesaid definition, because through the object virtue is determined to species, whereas here is assigned the definition of virtue in common: whence the subject is put in place of material cause, when it is said that it is a good quality of the mind. — But the end of virtue, since it is an operative habit, is operation itself. But it must be noted that of operative habits some are always toward evil, as vicious habits, others indeed at one time toward good and at another time toward evil, as opinion stands to truth and falsity. Virtue however is a habit always standing toward good. And therefore, that virtue be distinguished from those things which always stand toward evil, it is said, by which one lives rightly; that however it be distinguished from those which stand at one time toward good, at another time toward evil, it is said, which no one uses ill. — But the efficient cause of infused virtue, of which the definition is given, is God. On which account it is said: Which God works in us without us. Which particle indeed, if it be taken away, the remainder of the definition will be common to all virtues both acquired and infused. »

1 Here q. 55, a. 4, o.

Virtus a Cicerone definitur, lib. II de Inventione : « Animi habitus naturae modo atque rationi consentaneus. » Verum est quidem eam talem habitum esse, sed, ut animadvertit S. Aug., lib. IV contra Julian. Pelagian., c. 3, n. 19, qui virtutem sic descripserunt « quid sit consentaneum liberandae ac beatificandae naturae mortalium nescierunt. » Ipse dicit, de Morib. Eccles. cathol., c. 6, virtutem esse « habitum et quasi sapientis animae qualitatem, animam facientem optimam. » Unde prodiit definitio sequens ab Angelico admissa[1] : « Virtus est bona qualitas mentis, qua recte vivitur, qua nullus

male utitur, quam Deus in nobis sine nobis operatur. » Sic eam ibi propugnat S. Doctor : « Ista definitio perfecta complectitur totam rationem virtutis. Perfecta enim ratio uniuscujusque rei colligitur ex omnibus causis ejus. Comprehendit autem praedicta definitio omnes causas virtutis. Causa namque formalis virtutis, sicut et cujuslibet rei, accipitur ex ejus genere et differentia, cum dicitur bona qualitas; genus enim virtutis qualitas est, differentia autem bonum. Esset tamen convenientior definitio, si loco qualitatis habitus poneretur, qui est genus propinquum. Virtus autem non habet materiam ex qua, sicut nec alia accidentia, sed habet materiam circa quam, et materiam in qua, scilicet subjectum. Materia autem circa quam est objectum virtutis, quod non potuit in praedicta definitione poni, eo quod per objectum determinatur virtus ad speciem, hic autem assignatur definitio virtutis in communi : unde ponitur subjectum loco causae materialis, cum dicitur quod est bona qualitas mentis. — Finis autem virtutis, cum sit habitus operativus, est ipsa operatio. Sed notandum quod habituum operativorum aliqui sunt semper ad malum, sicut habitus vitiosi, aliqui vero quandoque ad bonum et quandoque ad malum, sicut opinio se habet ad verum et falsum. Virtus autem est habitus semper se habens ad bonum. Et ideo, ut discernatur virtus ab his quae semper se habent ad malum, dicitur, qua recte vivitur; ut autem discernatur ab his quae se habent quandoque ad bonum, quandoque ad malum, dicitur, qua nullus male utitur. — Causa autem efficiens virtutis infusae, de qua definitio datur, Deus est. Propter quod dicitur : Quam Deus in nobis sine nobis operatur. Quae quidem particula si auferatur, reliquum definitionis erit commune omnibus virtutibus et acquisitis et infusis. »

[1] *Hic q. 55, a. 4, o.*

3 From what has been said you will gather, 1° that virtue is essentially an operative habit of a good act[1].

[1] Ibid., a. 1, 2 et 3, o.

Ex dictis colliges, 1° virtutem esse essentialiter habitum operativum actus boni[1].

[1] *Ibid., a. 1, 2 et 3, o.*

4 That it is a habit, is clear; because habit in common is divided per se into virtue and vice; for by habits the powers of the rational soul are disposed, which stand indeterminately toward many things: if they be disposed fitly, it is virtue; if unfitly, vice[2].

[2] Ibid., a. 1, o.

Quod sit habitus, patet; quia habitus in communi dividitur per se in virtutem et vitium; per habitum enim disponuntur potentiae animae rationalis, quae se habent indeterminate ad multa : si disponantur convenienter, est virtus; si disconvenienter, est vitium[2].

[2] *Ibid., a. 1, o.*

5 That it is an operative habit, also is clear; because virtue, from the very reason of the name, and as was said, imports a certain perfection of a power. Perfection added to any power conforms itself to it. Therefore, as rational powers are operative, so too are the virtues superadded to them[3].

[3] Ibid., a. 2, o.

Quod sit habitus operativus, etiam patet; quia virtus, ex ipsa ratione nominis, et ut dictum est, importat quamdam perfectionem potentiae. Perfectio autem addita alicui potentiae, ei conformatur. Ergo, sicut potentiae rationales sunt operativae, ita et virtutes eis superadditae[3].

[3] *Ibid., a. 2, o.*

6 Finally, that it is an operative habit of a good act, equally is clear; because, since the rational powers are operative of acts, both in the genus of being and in the genus of morals, it must be that virtue, by

which they are perfected, should attain both reasons, so as to be conformable to them. For, although a rational power can absolutely and of itself alone attain acts[1] as to substance and morality, yet this it cannot do promptly, easily and readily; but through virtue it becomes prompt and ready toward both[2]. Of itself nevertheless and first it regards the acts' morality or goodness, secondarily their entity; because virtue is essentially in the genus of morals, since it is essentially ordered unto acting morally well.

[1] Ibid., a. 3, o.

[2] Here q. 58, a. 3, o.

> *Tandem, quod sit habitus operativus actus boni, pariter constat; quia, cum potentiae rationales sint operativae actus, tam in genere entis quam in genere moris, oportet quod virtus qua perficiuntur, ut sit eis conformis, utramque rationem attingat. Nam, quamvis potentia rationalis possit absolute se sola attingere actus[1] substantiam et moralitatem, id tamen non potest prompte, facile et expedite; per virtutem vero fit ad utrumque prompta et expedita[2]. Per se tamen primo respicit actus moralitatem seu bonitatem, secundario entitatem; quia virtus est essentialiter in genere moris, cum sit ad bene moraliter operandum essentialiter ordinata.*
>
> [1] *Ibid., a. 3, o.*
>
> [2] *Hic q. 58, a. 3, o.*

[7] You will gather 2° that power and virtue, in the reason of cause, are not placed in number, nor are several causes, but power is the cause and virtue the complement of the cause, whence together power rises into one complete cause. For, as I said, power can do without virtue what it can do with it (speaking of moral virtues in the natural order); but without virtue it can do this imperfectly only, incompletely and with difficulty, with virtue truly completely, easily and readily.

> *Colliges 2° potentiam et virtutem in ratione causae non poni in numero, nec esse plures causas, sed potentiam esse causam et virtutem complementum causae, ex quo et potentia exsurgit una causa completa. Potest enim, ut dixi, potentia sine virtute quod potest cum illa (loquendo de virtutibus moralibus in ordine naturali); sed sine virtute, hoc potest imperfecte tantum, incomplete et difficile, cum virtute vero complete, facile et expedite.*

[8] II. — Human virtue generically is divided into moral and intellectual. For human virtue, as was said, is an operative habit of a good act, or a habit perfecting man unto acting well. In man however the principle of acting is twofold, namely intellect or reason, and appetite. Therefore every human virtue is perfective either of reason or of appetite. If it be perfective of the intellect, whether speculative or practical, toward the good act of man, namely unto judging rightly, it will be intellectual virtue; if however it be perfective of the appetitive part, namely unto choosing rightly, it will be moral virtue[3]. Hence the Angelic Doctor rightly infers that moral virtue can indeed be without certain intellectual virtues, as without wisdom, knowledge and art, but not without intellect and prudence. For moral virtue is about election. Election however, that it be morally good, must be right, both as to the end convenient to reason, which cannot be without intellect judging rightly; and as to the means ordered to the end, which cannot be without prudence.

[3] Ibid., a. 4, o.?

> *II. — Virtus humana generatim dividitur in moralem et intellectualem. Est enim virtus humana, ut dictum est, habitus operativus actus boni, seu habitus perficiens hominem ad bene operandum. In homine autem principium operandi duplex est, scilicet intellectus sive ratio, et appetitus. Ergo omnis virtus humana est perfectiva vel rationis vel appetitus. Si sit perfectiva intellectus sive speculativi sive practici ad bonum hominis actum, utpote ad recte judicandum, erit virtus*

intellectualis; si autem sit perfectiva appetitivae partis, utpote ad recte eligendum, erit virtus moralis[3]*. Hinc recte infert Angelicus quod virtus moralis potest quidem esse sine quibusdam intellectualibus virtutibus, sicut sine sapientia, scientia et arte, non autem sine intellectu et prudentia. Moralis enim virtus est circa electionem. Electio autem, ut sit bona moraliter, debet esse recta, tum quoad finem rationi convenientem, quod esse non potest sine intellectu recte judicante; tum quoad media ordinata ad finem, quod sine prudentia esse non potest.*

3 Ibid., a. 4, o.?

9 By moral virtue man is ordered unto morally good operation, which is its effect. But the operation itself can be considered as the matter about which moral virtue itself is concerned, and from this head the moral virtues are divided generically into virtues which are about actions and virtues which are about passions. « The reason of which, says St. Thomas, here q. 60, a. 2, o, is that good and evil in certain operations is regarded in themselves, however man be affected toward them, namely inasmuch as good and evil in them is taken according to the reason of commensuration to another. And in such there must be some virtue directive of operations in themselves, as buying and selling, and such-like operations, in which is regarded the reason of due or undue to another. And on this account justice and its parts are properly about operations as about proper matter. But in certain operations good and evil is regarded only according to commensuration to the agent; and therefore in these good and evil must be considered according as man is well or ill affected about suchlike. And on this account it must be that virtues in such are principally about interior affections, which are called passions of the soul: as is clear of temperance, fortitude and other suchlike. It happens however that in operations which are toward another the good of virtue is omitted on account of disordered passion of the soul, and then inasmuch as the commensuration of the exterior operation is corrupted, it is corruption of justice; inasmuch however as the commensuration of interior passions is corrupted, it is corruption of some other virtue: as, when through anger someone strikes another, in the very undue striking justice is corrupted, but in immoderateness of anger meekness is corrupted. And the same is clear in others. »

Ex virtute morali homo ordinatur ad operationem moraliter bonam, quae est ejus effectus. Sed operatio ipsa considerari potest ut materia circa quam virtus ipsa moralis versatur, et ex hoc capite virtutes morales generice dividuntur in virtutes quae sunt circa actiones et in virtutes quae sunt circa passiones. « Cujus ratio est, ait S. Thomas, hic q. 60, a. 2, o, quia bonum et malum in quibusdam operationibus attenditur secundum seipsas, qualitercumque homo afficiatur ad eas, in quantum scilicet bonum in eis et malum accipitur secundum rationem commensurationis ad alterum. Et in talibus oportet quod aliqua sit virtus directiva operationum secundum seipsas, sicut emptio et venditio, et hujusmodi operationes, in quibus attenditur ratio debiti vel indebiti ad alterum. Et propter hoc justitia et partes ejus proprie sunt circa operationes sicut circa propriam materiam. In quibusdam vero operationibus bonum et malum attenditur solum secundum commensurationem ad operantem; et ideo oportet in his bonum et malum considerari secundum quod homo bene vel male afficitur circa hujusmodi. Et propter hoc oportet quod virtutes in talibus sint principaliter circa interiores affectiones, quae dicuntur animae passiones : sicut patet de temperantia, fortitudine et aliis hujusmodi. Contingit autem quod in operationibus quae sunt ad alterum praetermittatur bonum virtutis propter inordinatam animi passionem, et tunc in quantum corrumpitur commensuratio exterioris operationis, est corruptio justitiae; in quantum autem corrumpitur commensuratio interiorum passionum, est corruptio alicujus alterius virtutis : sicut, cum propter iram aliquis alium percutit, in ipsa percussione indebita corrumpitur justitia, in immoderantia vero irae corrumpitur mansuetudo. Et idem patet in aliis. »

10 Thence is clear the nature of those virtues commonly called cardinal, and their number. Indeed, when we speak simply of virtue, human virtue is dealt with. Human virtue however, according to the

perfect reason of virtue, is said to be that which requires rectitude of appetite. For such virtue not only makes faculty of acting well, but also causes the very use of the good work. But according to the imperfect reason of virtue, that is called virtue which does not require rectitude of appetite, because it only makes faculty of acting well, but does not cause use of a good work. It is established moreover that the perfect is more principal than the imperfect; and therefore those virtues which contain rectitude of appetite are called principal or cardinal. Suchlike however are the moral virtues, and among the intellectual prudence alone, which also in a certain way is moral, inasmuch as it is right reason of things doable[1].

[1] Here q. 61, a. 1, o.

> *Exinde patet natura illarum virtutum quae communiter dicuntur cardinales, et earum numerus. Etenim, cum loquimur simpliciter de virtute, de humana virtute agitur. Virtus autem humana, secundum perfectam rationem virtutis, dicitur quae requirit rectitudinem appetitus. Hujusmodi enim virtus non solum facit facultatem bene agendi, sed ipsum etiam usum boni operis causat. Sed secundum imperfectam rationem virtutis, dicitur virtus quae non requirit rectitudinem appetitus, quia solum facit facultatem bene agendi, non autem causat boni operis usum. Constat autem quod perfectum est principalius imperfecto; et ideo virtutes quae continent rectitudinem appetitus dicuntur principales seu cardinales. Hujusmodi autem sunt virtutes morales, et inter intellectuales sola prudentia, quae etiam quodam modo moralis est, in quantum est recta ratio agibilium*[1].
>
> [1] *Hic q. 61, a. 1, o.*

[11] Four, as all know, are the cardinal virtues : prudence, justice, temperance and fortitude. The reason of this division is assigned by St. Thomas here a. 2, o : « The number, he says, of certain things can be taken either according to formal principles, or according to subjects, and in both ways four cardinal virtues are found. For the formal principle of the virtue of which we now speak is the good of reason. Which indeed can be considered in two ways: In one way according as it consists in the very consideration of reason; and thus there will be one principal virtue, which is called prudence. In another way, according as the order of reason is posited about something: and this either about operations, and thus it is justice; or about passions, and thus there must needs be two virtues. For the order of reason must needs be posited about passions, their repugnance to reason having been considered. Which indeed can be twofold: In one way, according as passion impels toward something contrary to reason; and thus passion must needs be repressed, and from this temperance is named. In another way, according as passion withdraws from that which reason dictates, as fear of dangers or labors ; and thus man must needs be firm in that which is of reason, lest he withdraw, and from this fortitude is named. — And likewise according to subjects the same number is found. Fourfold indeed is found the subject of this virtue of which we now speak, namely the rationale by essence, which prudence perfects, and the rationale by participation. Which is divided into three, that is, into the will, which is the subject of justice, and into the concupiscible, which is the subject of temperance, and into the irascible, which is the subject of fortitude. »

> *Quatuor sunt, ut omnes norunt, virtutes cardinales : prudentia, justitia, temperantia et fortitudo. Hujus divisionis ratio assignatur a S. Thoma hic a. 2, o : « Numerus, inquit, aliquorum accipi potest aut secundum principia formalia, aut secundum subjecta, et utroque modo inveniuntur quatuor cardinales virtutes. Principium enim formale virtutis de qua nunc loquimur, est rationis bonum. Quod quidem dupliciter potest considerari : Uno modo secundum quod in ipsa consideratione rationis consistit; et sic erit una virtus principalis, quae dicitur prudentia. Alio modo, secundum quod circa aliquid ponitur rationis ordo : et hoc vel circa operationes, et sic est justitia; vel circa passiones, et sic necesse est*

esse duas virtutes. Ordinem enim rationis necesse est ponere circa passiones, considerata repugnantia ipsarum ad rationem. Quae quidem potest esse dupliciter : Uno modo, secundum quod passio impellit ad aliquid contrarium rationi; et sic necesse est quod passio reprimatur, et ab hoc denominatur temperantia. Alio modo, secundum quod passio retrahit ab eo quod ratio dictat, sicut timor periculorum vel laborum ; et sic necesse est quod homo firmetur in eo quod est rationis, ne recedat, et ab hoc denominatur fortitudo. — Et similiter secundum subjecta idem numerus invenitur. Quadruplex enim invenitur subjectum hujus virtutis de qua nunc loquimur, scilicet rationale per essentiam, quod prudentia perficit, et rationale per participationem. Quod dividitur in tria, id est, in voluntatem, quae est subjectum justitiae, et in concupiscibilem, quae est subjectum temperantiae, et in irascibilem, quae est subjectum fortitudinis. »

12 There are besides theological virtues, so called from their immediate object, which is God, as variously attained. But considered in themselves, according as they perfect the powers of human soul, they are reduced to moral and intellectual virtues. Of which there will be treated singly and fully in IIa IIae.]

Sunt insuper virtutes theologicae, sic dictae ab earum objecto immediato, qui est Deus, prout diversimode attingitur. Sed in se consideratae, secundum quod potentiis animae humanae perficiunt, reducuntur ad virtutes morales et intellectuales. De quibus in 2° 2° singillatim et fusè agetur.]

On the subject of the virtues

1 *D. Thomas, q. 56.*

D. Thomas, q. 56.

2 [Certain things are to be presupposed.

[Quaedam sunt praesupponenda.

3 *I suppose* 1° that virtue is not subjected in the essence of the soul, but in its powers: partly because virtue is the perfection of a power, partly because it is an operative habit. But every operation of the soul takes place immediately through a power[1].

1 Here q. 56, a. 1, o.

Suppono *1° virtutem non subjectari in essentia animae, sed in ejus potentiis : partim quia virtus est perfectio potentiae, partim quia est habitus operativus. Omnis autem operatio animae fit immediate per potentiam*[1].

[1] *Hic q. 56, a. 1, o.*

4 *I suppose* 2° that there is no virtue in the vegetative powers, nor in the members and external senses; for these are neither determined to one mode of acting, and, their due natural disposition being posited, they have no difficulty in their acts. And if by use they seem to acquire some facility, this is not caused from a habit of virtue, but only from the removal of impediments, just as external instruments become by very use more polished and apt.

Suppono *2° nullam esse virtutem in potentiis vegetativis, neque in membris et sensibus externis; quae nec sunt determinata ad unum modum agendi, et posita debita eorum naturali dispositione, nullam habent difficultatem in suis actibus. Quod si ex usu videantur acquirere aliquam facilitatem, haec non causatur ex habitu virtutis, sed ex remotione impedimentorum tantum, sicut instrumenta externa ipso usu fiunt politiora et aptiora.*

5 *I suppose* 3° that there is no virtue in the interior apprehensive senses; because virtue is a perfect habit by which nothing happens except good and perfect operation: whence it must be that virtue be in that power which is consummative of the good work. But the knowledge of truth is not

consummated in the sensitive apprehensive powers, but such powers are as it were preparatory to intellective cognition. Therefore in such senses there are not virtues whereby truth is known, but rather in the intellect[1].

[1] *Ibid.*, a. 5, o.

> Suppono *3º non esse virtutem in sensibus internis apprehensivis; quia virtus est habitus perfectus quo non contingit nisi bonum et perfectum operari : unde oportet quod virtus sit in illa potentia quae est consummativa boni operis. Atqui cognitio veri non consummatur in viribus sensitivis apprehensivis, sed hujusmodi vires sunt quasi praeparatoriae ad cognitionem intellectivam. Ergo in hujusmodi sensibus non sunt virtutes quibus cognoscitur verum, sed magis in intellectu*[1].
>
> [1] *Ibid., a. 5, o.*

6 Nor does it stand against this that there are virtues in the sensitive appetite, as we shall say presently. The disparity is that the sensitive appetite is moved by the will, and therefore the work of the appetitive virtue is consummated in the sensitive appetite, and on this account the sensitive appetite is the subject of virtue. But the sensitive apprehensive powers stand rather as moving with respect to the intellect; for phantasms stand to the intellective soul as colors to sight, and therefore the work of cognition terminates in the intellect. Wherefore cognitive virtues must be placed in it, and not in sense[2].

[2] *Ibid.*, ad 1.

> *Neque obstat quod sint virtutes in appetitu sensitivo, ut modo dicemus. Disparitas est quod appetitus sensitivus moveatur a voluntate, et ideo opus appetitivae virtutis consummatur in appetitu sensitivo, et propter hoc appetitus sensitivus est subjectum virtutis. At potentiae sensitivae apprehensivae magis se habent ut moventes respectu intellectus; phantasmata enim se habent ad animam intellectivam sicut colores ad visum, et ideo opus cognitionis in intellectu terminatur. Quapropter virtutes cognoscitivae debent poni in ipso, et non in sensu*[2].
>
> [2] *Ibid., ad 1.*

7 *I suppose* 4º that the intellect, even considered in itself, is the subject of intellectual virtues[3]; because the intellect in itself is indifferent, not indeed with an indifference of liberty, but of perfectibility in order to its object; for it can attain it well or ill, namely attain the true or the false under the reason of true; and there is no small difficulty in the inquiry and attainment of truth. Whence it needs habits which perfect it with respect to these things. And these are understanding, wisdom, science, and art.

[3] *Ibid.*, a. 3, o.?

> Suppono *4º intellectum, etiam secundum se consideratum, esse subjectum virtutum intellectualium*[3]*; quia intellectus secundum se est indifferens, non quidem indifferentia libertatis, sed perfectibilitatis in ordine ad suum objectum; potest enim illud bene vel male attingere, scilicet attingere verum aut falsum sub ratione veri, estque non parva difficultas in inquisitione et assecutione veritatis. Unde indiget habitibus qui illum quantum ad haec perficiant. Et sunt intelligentia, sapientia, scientia et ars.*
>
> [3] *Ibid., a. 3, o.?*

8 But, because those virtues give only the faculty of operating well in their own genus, they do not render the act morally good and honest, nor do they make man simply good, but secundum quid and with an addition, as good philosopher, good grammarian, good smith; therefore intellectual virtues

are not called virtues simply, but secundum quid, because the name of virtue was primarily imposed to signify the principle of moral rectitude[1].

1 *Ibid.*

> *Sed, quia illae virtutes dant tantum facultatem bene operandi in suo genere, non ipsum actum reddunt moraliter bonum et honestum, nec faciunt hominem simpliciter bonum, sed secundum quid et cum addito, puta bonum philosophum, bonum grammaticum, bonum fabrum; ideo virtutes intellectuales non dicuntur virtutes simpliciter, sed secundum quid, quia nomen virtutis primario impositum est ad significandum principium rectitudinis moralis*[1].
>
> [1] *Ibid.*

9 But truly, if the intellect, both speculative and practical, be considered as moved by the will, whose office it is to move the other powers to their acts, and which is the principle of all moral good — for therefore man acts morally well because he has a good will: then in the intellect there can be virtues simply so called, and thus prudence is in the intellect.

> *At vero, si intellectus tam speculativus quam practicus consideretur ut motus a voluntate, cujus est movere alias potentias ad suos actus, et quae est principium totius boni moralis; ideo enim homo bene agit moraliter, quia habet bonam voluntatem : tunc in intellectu possunt esse virtutes simpliciter dictae, et sic est prudentia in intellectu.*

10 *I suppose* 5° that there are in the will virtues in order to the supernatural good, such as charity toward God, and in order to the good of one's neighbor, because each good is not sufficiently proportioned to the will. For the supernatural good exceeds the proportion of the will with respect to species, since it is above the whole species of nature; the good of another exceeds it with respect to the individual, because by this very fact that the will is rooted in this supposit through individual difference, it is determined to the proper good of the supposit, according to that word of the Philosopher: « To each his own good is amiable [2]. »

2 *Ibid.

> Suppono *5º in voluntate esse virtutes in ordine ad bonum supernaturale, qualis est charitas erga Deum, et in ordine ad bonum proximi, quia utrumque bonum non est satis proportionatum voluntati. Bonum enim supernaturale excedit proportionem voluntatis quoad speciem, cum sit supra totam speciem naturae; bonum alienum excedit quoad individuum, quia hoc ipso quo voluntas est radicata in hoc supposito per differentiam individualem, est determinata ad bonum proprium suppositi, juxta illud Philosophi : « Amabile bonum cuique proprium*[2]*. »*
>
> [2] *Ibid.*

11 There remains therefore difficulty with respect to two things, namely: whether there are virtues in the will concerning the good of one's own supposit, and in the sensitive appetite as moved by the will[3]?

3 *Ibid.*, a. 6, o.

> *Restat ergo difficultas quantum ad duo, scilicet : utrum sint virtutes in voluntate circa bonum proprii suppositi, et in appetitu sensitivo ut moto a voluntate*[3]*?*
>
> [3] *Ibid., a. 6, o.*

12 Therefore

> *Itaque*

13 **I say** 1°: There are not in the will virtues concerning the good of one's own private reason, but these are in the sensitive appetite, as will presently be proved. This is against the Scotists and certain others.

> ***Dico** 1° : Non sunt in voluntate virtutes circa bonum rationis proprium et privatum, sed hae sunt in appetitu sensitivo, ut mox probabitur. Est contra Scotistas et quosdam alios.*

14 *It is proved.* Virtues are placed in a power when the power is not of itself complete, perfect, expeditious, and proportioned to its object, and thence suffers difficulty in attaining it. But the will concerning the good of the reason of one's own supposit is complete, perfect, expeditious, and proportioned. Therefore. — Proof of the minor. The will, as rational appetite, is nothing else than the very inclination to the good of reason. Therefore it is inclined either to no good or to its own good completely, perfectly, expediently, namely since it is proportioned to it with respect to species — and that is insofar as natural — and with respect to the individual. By what reason it is proved that the will is complete and proportioned not only to its own physical good, as certain will have it, but also to its own moral and honest good; because it is essentially a rational inclination, consequently to its own good consonant with reason.

> Prob. *Ponuntur virtutes in potentia, quando potentia non est de se completa, perfecta, expedita et proportionata suo objecto, indeque patitur difficultatem in ipso attingendo. Atqui voluntas circa bonum rationis proprii suppositi est completa, perfecta, expedita et proportionata. Ergo.* — Prob. *min. Voluntas, utpote appetitus rationalis, nihil est aliud quam ipsamet inclinatio ad bonum rationis. Ergo vel ad nullum vel ad proprium bonum inclinatur complete, perfecte, expedite, nempe cum sit ei proportionatum quoad speciem, et id est quatenus naturale, et quoad individuum. Qua ratione probatur voluntatem esse completam et proportionatam, non solum ad bonum proprium physicum, ut quidam volunt, sed etiam ad bonum proprium morale et honestum; quia est essentialiter inclinatio rationalis, consequenter ad bonum proprium rationi consonum.*

15 *You will object* 1°: The will suffers difficulty in attaining the good of its own reason in the matter of temperance and fortitude. Therefore it needs to be perfected by virtues.

> Objicies *1° : Voluntas patitur difficultatem in assequendo bono rationis proprio in materia temperantiae et fortitudinis. Ergo indiget perfici virtutibus.*

16 *I answer.* I distinguish the antecedent. The will suffers difficulty in attaining the good of its own reason intrinsically and per se, *I deny*; it suffers difficulty extrinsically and per accidens, *I concede* the antecedent and *deny* the consequence. Therefore this difficulty does not arise from the fact that the will is not sufficiently complete and proportioned of itself to this good, both with respect to species and with respect to the individual, but from some extrinsic impediment, namely from the immoderation of the passions. But that this difficulty be removed, a virtue in the will is not required, but it suffices that the impediment be removed by the moderation of the passions, which is done through the virtues of temperance and fortitude in the sensitive appetite, where those passions reside.

> Resp. Dist. *ant. Voluntas patitur difficultatem in assequendo bono rationis proprio ab intrinseco et per se,* nego*; patitur difficultatem ab extrinseco et per accidens,* conc. *ant. et* nego *conseq. Haec ergo difficultas non provenit ex hoc quod voluntas non sit satis completa et proportionata ex se huic bono, et quantum ad speciem, et quantum ad individuum, sed ex aliquo impedimento extrinseco, scilicet ex immoderantia passionum. Ut autem tollatur haec*

> *difficultas, non requiritur virtus in voluntate, sed sufficit quod tollatur impedimentum per moderationem passionum, quod fit per virtutes temperantiae et fortitudinis in appetitu sensitivo, ubi istae passiones resident.*

17 *You will object* 2°: The will is capable of vice inclining to evil adverse to reason. Therefore also of virtue toward good consonant with reason.

> Objicies *2°: Voluntas est capax vitii inclinantis in malum rationi adversum. Ergo et virtutis in bonum rationi consonum.*

18 *I answer.* I deny the consequence. The disparity is: the will in itself is inclined to the good consonant with reason, and yet from repetition of evil acts vice is acquired inclining to the good contrary to reason. But it is in itself completely and perfectly inclined and proportioned to the proper good consonant with reason. Whence, however often such acts of good be repeated, no more is virtue acquired than by frequent descents a habit would be acquired in a stone inclining it downward. But if the will suffer any difficulty, it is removed through the virtues of temperance and fortitude in the appetite, or overcome through the habits of continence and constancy in the will.

> Resp. *Nego conseq. Disparitas est : voluntas secundum se est inclinata ad bonum rationi consonum, et tamen ex repetitione malorum actibus acquiratur vitium inclinans in bonum rationi contrarium. At est secundum se complete et perfecte inclinata et proportionata in bonum proprium rationi consentaneum. Unde, quantumvis repetantur hujusmodi actus boni, non magis acquiritur virtus, quam per frequentatos descensus acquireretur in lapide habitus inclinans ipsum deorsum. Sed, si quid difficultatis voluntas patiatur, tollitur per virtutes temperantiae et fortitudinis in appetitu, aut vincitur per habitus continentae et constantiae in voluntate.*

19 **I say** 2°: The sensitive appetite, as born to obey reason, is the subject of virtue, namely temperance and fortitude[1]. This is common opinion against the Scotists.

1 Here q. 56, a. 4, o.

> ***Dico** 2° : Appetitus sensitivus, prout natus est obedire rationi, est subjectum virtutis, scilicet temperantiae et fortitudinis[1]. Est communis contra Scotistas.*
>
> *1 Hic q. 56, a. 4, o.*

20 I said, « as born to obey reason »; because the sensitive appetite, considered in itself and as common to man and brute, certainly is not the subject of virtue[2].

2 *Ibid.*

> *Dixi, « prout natus est obedire rationi »; quia appetitus sensitivus, secundum se consideratus et prout est communis homini et bruto, certo non est subjectum virtutis[2].*
>
> *2 Ibid.*

21 *It is proved.* An act proceeding from one power moved and another moving cannot be perfect unless both powers be well disposed: as the act of the artisan cannot be fitting unless artisan and instrument be well disposed. But although the moving will is in itself well disposed to the proper good of reason, as I said, yet the sensitive appetite is not so disposed when moved, which since it is subject to the will not despotically but politically only, often departs from reason, and without the perfection of virtue superadded obeys it only with difficulty and with repugnance. Therefore[3].

3 *Ibid.?

Prob. *Actus qui progreditur ab una potentia mota et alia movente, non potest esse perfectus, nisi utraque potentia sit bene disposita : sicut actus artificis non potest esse congruus, nisi artifex et instrumentum sint bene disposita. Atqui, licet voluntas movens sit secundum se bene disposita ad bonum proprium rationis, ut dixi, non tamen ita est dispositus appetitus sensitivus quando movetur, qui cum voluntati non subjiciatur despotice, sed politice tantum, a ratione saepe exorbitat, et sine perfectione virtutis superaddita non nisi difficile et cum repugnantia ipsi obedit. Ergo*[3].

[3] *Ibid.?*

22 *It is confirmed.* Virtue must be placed in a subject capable and needy. But the sensitive appetite, as born to obey reason, is capable of virtue and needs it. Therefore. — Proof of the first part of the minor. That a power be capable of virtue there is required 1° that it can be directed by a superior; 2° that it be not determined to one mode of acting; 3° that it be elicitive of a perfect act. But the sensitive appetite 1° can be moved and directed by superior reason; 2° is not determined to one mode of acting, namely conformably to reason, but often deviates from it; 3° can elicit a perfect act, namely when its passions are moderated by temperance, fortitude, and the other virtues annexed. Therefore. — Proof of the second part of the minor. The sensitive appetite suffers grave difficulties in moderating the passions of the concupiscible and irascible. Therefore it needs virtues to overcome them.

Confirm. *Ponenda est virtus in subjecto capaci et indigenti. Atqui appetitus sensitivus, prout natus est obedire rationi, est capax virtutis et ea indiget. Ergo.* — Prob. *prima pars minoris. Ut potentia sit capax virtutis, requiritur 1º quod possit dirigi a superiore; 2º quod non sit determinata ad unum modum operandi; 3º quod sit elicitive actus perfecti. Atqui appetitus sensitivus 1° potest moveri et dirigi a ratione superiori; 2º non est determinatus ad unum modum agendi, scilicet conformiter rationi, sed saepe ab ea deviat; 3° potest elicere actum perfectum, dum nempe ejus passiones sunt temperantiâ, fortitudine et aliis virtutibus annexis moderatae. Ergo.* — Prob. *secunda pars minoris. Appetitus sensitivus patitur graves difficultates in moderandis passionibus concupiscibilis et irascibilis. Ergo indiget virtutibus ad eas superandas.*

23 *You will say*: Virtue is a good quality of the mind. But the sensitive appetite does not pertain to the mind. Therefore.

Dices : Virtus est bona qualitas mentis. Atqui appetitus sensitivus non pertinet ad mentem. Ergo.

24 *I answer.* By mind in the definition of virtue is taken widely every faculty which participates reason. But the sensitive appetite, as moved by the will, participates reason. Therefore.

Resp. *Per mens in definitione virtutis sumi late pro omni facultate quae rationem participat. Atqui appetitus sensitivus, prout movetur a voluntate, rationem participat. Ergo.*

25 For the solution of objections there must always be held before the eyes the dependence of the sensitive appetite upon the will, by which actually moved, it participates reason concerning the singular honest good, that is, the election of the will, and perfect liberty, and through the same is regularly ruled by prudence existing in the practical intellect.]

Pro solutione objectionum habenda est semper prae oculis dependentia appetitus sensitivi a voluntate, a qua actualiter motus, participat rationem circa bonum honestum singulare, id est electionem voluntatis, et perfectam libertatem, et mediante ipsa regulariter per prudentiam existentem in intellectu practico.]

On the cause of the virtues

1 [*I suppose* 1° that there are in us from nature certain seeds of virtues, both moral and intellectual [1]. For there are in human nature certain common principles naturally congenital, both of things knowable and of things to be done; as in reason certain natural principles of right and honest, in will natural inclination toward good of reason. So likewise in individuals there are certain dispositions toward virtues, as some are readier for sciences, others for fortitude, others for temperance; whence it is said, *Job*, XXXI, 18 : « From my infancy mercy grew up with me. » But these seeds are not essentially complete and consummated virtues; because what is from nature to man is common to all men, and is not taken away by sin; for even in demons the naturals remain, as St. Dionysius says, c. 4 de Div. nomin. But virtue is present not in all men, and is taken away by sin, at least frequent sin [2]. Therefore.]

1 Here q. 63, a. 1, c.

2 Ibid., in arg. Sed contra.

> Suppono *1° esse in nobis a natura quaedam semina virtutum tam moralium quam intellectualium [1]. Sunt enim in natura hominis quaedam principia communia naturaliter congenita, tam scibilium quam agendorum, ut in ratione quaedam principia naturalia recti et honesti, in voluntate inclinatio naturalis in bonum rationis. Sic etiam in individuis sunt quaedam dispositiones ad virtutes, ut quidam sint proniores ad scientias, alii ad fortitudinem, alii ad temperantiam; unde dicitur,* Job, *XXXI, 18 : « Ex infantia mea mecum crevit miseratio. » Haec autem semina non sunt essentialiter virtutes completae et consummatae; quia id quod est homini a natura, est omnibus hominibus commune, et non tollitur per peccatum, nam etiam in daemonibus naturalia manent, ut dicit S. Dionysius, c. 4 de Div. nomin. Atqui virtus non inest omnibus hominibus, et tollitur per peccatum, saltem frequentatum [2]. Ergo.*
>
> 1 *Hic [q. 63, a. 1, c.*
>
> 2 *Ibid., in arg. Sed contra.*

2 I suppose 2° that certain virtues are acquired by our repeated acts [1], according to the common axiom : « From repeated acts habit is made. » The reason is because, although agents which have in themselves only the active principle of their operation acquire no habit by acting — as heating confers on fire no habit of heating — nevertheless those agents which have in themselves at once both the active principle and the passive principle of their act, insofar as the principle immediately elicitive of act elicits it only as moved by another superior principle existing in the same agent, through repeated acts acquire habit, inasmuch as from the superior moving principle there is derived into the elicitive principle of act a certain impression habitually remaining and expedient for doing those things which it does from the motion of the superior : which fixed impression is called habit; and if it be toward true or honest good, it is called virtue. As therefore from the fact that agent intellect moves passive intellect by imprinting upon it species and notions, intellectual virtue is acquired, v. g., science; so from the fact that intellect moves will, and will the sensitive appetite, virtue is acquired through repeated acts, both in will and in sensitive appetite, that is, a permanent and firm inclination toward honest good.

1 Ibid., c.

> *Suppono 2° quasdam virtutes actibus nostris iteratis acquiri [1], juxta vulgatum axioma : « Ex repetitis actibus fit habitus. » Ratio est quia, quamvis agentia quae habent in se solum principium activum suae operationis, non acquirant agendo habitum, ut calefactio non confert igni habitum calefaciendi; agentia tamen quae habent in se simul et*

principium activum et principium passivum sui actus, quatenus principium immediate elicitivum actus non elicit illum nisi motum ab alio superiori principio in eodem agente existente, per repetitos actus acquirunt habitum, in quantum ex principio superiori movente derivatur in principium elicitivum actus quaedam impressio habitualiter permanens et expediens ad facienda ea quae facit ex motione superioris : quae impressio fixa dicitur habitus, et si sit ad verum aut bonum honestum, dicitur virtus. Sicut ergo ex eo quod intellectus agens moveat passibilem imprimendo ei species et notiones, acquiritur virtus intellectualis, v. g., scientia; ita ex eo quod intellectus moveat voluntatem, et voluntas appetitum sensitivum, acquiritur per actus repetitos et in voluntate et in appetitu sensitivo virtus, hoc est inclinatio permanens et firma ad bonum honestum.

[1] *Ibid., c.*

3 There remains therefore the question whether, besides the moral virtues acquired, there be others infused per se into us by God. Indeed that the theological virtues are infused per se into us by God is dogma of faith defined in the Council of Trent, Sess. VI, c. 7. Likewise that moral virtues acquirable by our acts can, God so dispensing, be infused per accidens into us admits no doubt, since in this there is no implication, and thus were they infused into Christ and the first parent. But the difficulty is, whether there be moral virtues of supernatural order, not acquirable by our acts, infused per se into us by God. For the resolution of which,

Quaestio itaque superest, utrum, praeter virtutes morales acquisitas, sint aliae in nobis a Deo per se infusae. Equidem virtutes theologicas esse a Deo nobis per se infusas, dogma fidei est definitum in concilio Trident., Sess. VI, c. 7. Item virtutes morales actibus nostris acquisibiles posse, sic Deo dispensante, nobis per accidens infundi, non est dubium, cum in hoc nulla sit implicantia, et sic fuerunt infusae Christo et primo parenti. Sed difficultas est, utrum sint virtutes morales ordinis supernaturalis, non acquisibiles actibus nostris, nobis a Deo per se infusae. Pro cujus resolutione,

4 **I say** : Besides the moral virtues acquired, there are others infused per se into us by God [2]. It is common with the Angelic against Scotus, whose opinion some theologians note with censure after the definition of the Council of Vienne, concerning which below.

[2] Here q. 63, a. 3, c.

***Dico** : Praeter virtutes morales acquisitas, sunt aliae a Deo per se nobis infusae [2]. Est communis cum Angelico contra Scotum, cujus sententiam quidam theologi censura notant post definitionem concilii Viennensis, de quo modo.*

[2] *Hic q. 63, a. 3, c.*

5 *It is proved* 1° from Holy Scripture [1]. God, according to Holy Scripture, teaches men the four cardinal virtues. For it is said, *Sap.*, VIII, 7, of eternal Wisdom : « She teacheth sobriety, that is temperance, and prudence, and justice, and fortitude [virtue], than which nothing is more useful in life to men. » But to teach and to infuse something is the same thing in God; for God teaches not as men do, merely proposing objects, but by infusing light. Whence I *Joann.*, II, 27 : « You have no need that any man teach you; but as his unction teacheth you of all things. »

[1] Ibid., in arg. Sed contra.

Prob. *1° ex S. Scriptura [1]. Deus, juxta S. Scripturam, docet homines quatuor virtutes cardinales. Dicitur enim,* Sap., *VIII, 7, de Sapientia aeterna : « Sobrietatem, id est temperantiam, et prudentiam docet, et justitiam, et virtutem, id est fortitudinem, quibus utilius nihil est in vita hominibus. » Atqui idem est Deum docere et infundere aliquid; non enim Deus docet, ut homines, solum proponendo objecta, sed infundendo lumen. Unde I* Joann., *II, 27, dicitur : « Non necesse habetis ut aliquis doceat vos, sed sicut unctio ejus docet vos de omnibus. »*

[1] *Ibid., in arg. Sed contra.*

6 It is proved 2° by the authority of the Church. Clement V in the Council of Vienne, resolving the question which Innocent III, answering to the archbishop of Arles, cap. Majores, de baptismo, Decretal. lib. III, tit. 42, c. 3, had left undecided, namely : whether faith, charity, and other virtues be infused into infants in baptism? defines thus : « We attending to the general efficacy of the death of Christ, which through baptism is applied equally to all baptized, judged the opinion which says that informing grace and virtues are conferred in baptism alike upon infants and adults to be the more probable, and more consonant and accordant with the sayings of the saints and doctors of modern theology, with the approval of the sacred council we deemed it to be chosen. » By the virtues moreover, in this definition, are understood not only the theological, but also the moral ones; since concerning these also the question posed under Innocent III proceeded, as is plain from what was said. Therefore.

Prob. 2° authoritate Ecclesiae. Clemens V in concilio Viennensi resolvens quaestionem quam Innocentius III rescribens ad archiepiscopum Arelatensem, cap. Majores, de baptismo, Decretal. lib. III, tit. 42, c. 3, reliquerat indecisam, scilicet : utrum fides, charitas, aliaeque virtutes infundantur parvulis in baptismo? sic definit : « Nos attendentes generalem efficaciam mortis Christi, quae per baptismum applicatur pariter omnibus baptizatis, opinionem quae dicit tam parvulis quam adultis conferri in baptismo informantem gratiam et virtutes, tamquam probabiliorem et dictis sanctorum et doctorum modernorum theologiae magis consonam et concordem, sacro approbante concilio, duximus eligendum. » Per virtutes autem, in hac definitione, intelliguntur non solum theologicae, sed etiam morales, quia de his etiam procedebat quaestio sub Innocentio III posita, ut patet ex dictis. Ergo.

7 It is confirmed from the Roman Catechism, part II, c. 2, § 51, where it is said : « To this is added the noblest company of all the virtues, which are divinely poured forth into the soul together with grace. »

Confirm. ex Catechismo Romano, parte II, c. 2, § 51, ubi dicitur : « Huic additur nobilissimus omnium virtutum comitatus, quae in animam cum gratia divinitus infunduntur. »

8 It is proved 3° by reason. 1° Man through the theological virtues infused is disposed, elevated, and rectified concerning the ultimate supernatural end [1]. Therefore it is connatural and necessary that he be elevated and rectified equally, through the moral virtues infused, concerning the means attaining this supernatural end. — The consequence is plain, because elevation and rectification through the theological virtues is not only in order to the supernatural end considered in itself, but as attainable through means. But the supernatural end is attainable only through supernatural means.

1 Ibid., c.

Prob. 3° ratione. 1º Homo per virtutes theologicas infusas disponitur, elevatur et rectificatur circa ultimum finem supernaturalem [1]. Ergo connaturale est et necesse ut pariter elevetur et rectificetur per virtutes morales infusas circa media assecutiva hujus finis supernaturalis. — Patet consequentia, quia elevatio et rectificatio per virtutes theologicas non est tantum in ordine ad finem supernaturalem secundum se, sed ut assequibilem per media. Finis autem supernaturalis non est assequibilis nisi per media supernaturalia.

1 Ibid., c.

9 2° As virtues are distinguished, so also are they multiplied according to formal objects. But one thing is the object and formal motive of acquired virtue, another of infused [2]. Therefore. — *Proof* of the minor. The object and formal motive of acquired virtue is natural, that of infused, supernatural. Thus, v. g., although acquired and infused temperance agree in matter — for both are concerned with

the delights of touch — they agree not in object and formal motive. Indeed both seek the mean; but infused temperance seeks the mean on another account than acquired temperance : this latter seeks the mean according to the rule of human reason in order to good of nature, health of body, and free use of natural reason; but the infused seeks the mean according to the rule of faith and the reasons of divine law in order to the supernatural end, wherefore it often prescribes stricter abstinence than the natural rule. Similarly of the other virtues. Therefore.]

[2] Ibid., a. 4, c.

> *2° Sicut virtutes distinguuntur, ita et multiplicantur penes objecta formalia. Atqui aliud est objectum et motivum formale virtutis acquisitae, aliud infusae [2]. Ergo.* — Prob. *min. Objectum et motivum formale virtutis acquisitae est naturale, infusae est supernaturale. Sic, v. g., quamvis temperantia acquisita et infusa conveniant in materia, utraque enim est circa delectabilia tactus, non tamen conveniunt in objecto et motivo formali. Equidem utraque quaerit medium, sed alia ratione quaerit medium temperantia infusa, quam temperantia acquisita : haec quaerit medium secundum regulam rationis humanae in ordine ad bonum naturae, sanitatem corporis et liberum usum rationis naturalis; infusa autem quaerit medium secundum regulam fidei et rationes legis divinae in ordine ad finem supernaturalem, quae ideo saepe praescribit arctiorem abstinentiam quam regula naturalis. Similiter de aliis virtutibus. Ergo.]*
>
> [2] *Ibid., a. 4, c.*

On the properties of the virtues

[1] [Four properties of virtues St. Thomas enumerates in prooemium of question 64. First, that they consist in mean; second, that they be interconnected among themselves; third, that they be unequal; fourth, that they endure after this life.]

> *[Quatuor virtutum proprietates recenset S. Thomas in prooemio quaestionis 64. Prima est, quod consistant in medio; secunda, quod sint inter se connexae; tertia, quod sint inaequales; quarta, quod durent post hanc vitam.]*

[2] **§ I. — Whether virtue consists in mean?**

> ***§ I. — Utrum virtus consistat in medio?***

[3] **I say** 1° : Moral virtue consists in mean [1]. Whence it is defined by Aristotle, II *Ethic.*, c. 6 : « Habit choosing existing in mean » [2].

[1] Here [q. 64, a. 1, c.

[2] Ibid.

> ***Dico** 1° : Virtus moralis consistit in medio [1]. Unde definitur ab Aristotele, II* Ethic.*, c. 6 : « Habitus electivus in medietate existens » [2].*
>
> [1] *Hic [q. 64, a. 1, c.*
>
> [2] *Ibid.*

[4] *It is proved.* Moral virtue properly is perfective of appetitive part of soul concerning some determinate matter; but measure and rule of appetitive motion concerning appetibles is reason itself. But good of anything measured and ruled consists in this that it conform itself to its rule, neither exceeding it nor failing from it, as good in artificial things is to be conformable to rules of art : Therefore good of moral virtue consists in adaequation to measure of reason, not exceeding it, nor failing from it : which is to consist in mean.

> Prob. *Virtus moralis proprie est perfectiva appetitivae partis animae circa aliquam determinatam materiam; mensura autem et regula appetitivi motus circa appetibilia est ipsa ratio. Atqui bonum cujuslibet mensurati et regulati consistit in hoc quod conformetur suae regula, non excedens illam, neque ab ea deficiens, sicut bonum in artificiatis est quod sit conforme regulis artis : Ergo bonum virtutis moralis consistit in adaequatione ad mensuram rationis, eam non excedens, neque ab ea deficiens : quod est consistere in medio.*

5 **I say** 2° : Every moral virtue consists in mean of reason. It follows from preceding; for mean of reason is said what is constituted by reason in some matter. But, as we were just saying, moral virtue consists in mean through conformity toward right reason. Therefore [3].

[3] Ibid., a. 2, c.

> ***Dico*** *2° : Omnis virtus moralis consistit in medio rationis. Sequitur ex praecedenti; medium enim rationis dicitur quod a ratione constituitur in aliqua materia. Atqui, ut modo dicebamus, virtus moralis consistit in medio per conformitatem ad rationem rectam. Ergo [3].*
>
> [3] *Ibid., a. 2, c.*

6 It happens however that the mean, justice excepted, varies. In justice indeed is mean of thing, which is fixed, because compared to things themselves absolutely : E.g., if you owe one hundred, this, neither more nor less, you must repay. Other moral virtues however are concerned about interior passions, in which mean is not same for all, but diverse according to quality of persons : E.g. in temperance, what is mean for one is too little or too much for another. Moreover it must be observed, that even in justice mean depends on reason. Indeed it has from its specific reason that it be mean of thing, but has from general reason of virtue that it be also mean for reason; because nothing is more conformable to reason than constituting equality between right and debt.]

> *Contingit autem quod medium, excepta justitia, varietur. In justitia enim est medium rei, quod est fixum, quia comparatur ad res ipsas absolute : V. g., si debeas centum, hoc, nec plus nec minus, reddere debes. Aliae autem virtutes morales versantur circa passiones internas, in quibus medium non est idem pro omnibus, sed diversum pro qualitate personarum : V. g. in temperantia, quod est medium uni, parum est aut nimium alteri. Caeterum, observandum est quod, etiam in justitia, medium a ratione dependet. Habet quidem ex sua specifica ratione quod sit medium rei, sed habet ex generali ratione virtutis quod sit etiam medium rationi; quia nihil rationi conformius est, quam constituere aequalitatem inter jus et debitum.]*

7 **I say** 3° : Intellectual virtues also consist in mean [1]. Reason is because true, which is their object, mediates between excess and defect : for indeed truth is injured by affirming either more than thing has, or less than it has, or denying what it has. There is nevertheless disparity, that mean of speculative intellectual virtues be mean of thing, namely conformity to thing, independently from determination of reason; but mean of practical intellectual virtues, as prudence, be mean of reason, as depending upon determining reason.

[1] Ibid., a. 3, c.

> ***Dico*** *3° : Virtutes intellectuales consistunt etiam in medio [1]. Ratio est quia verum, quod est earum objectum, mediat inter excessum et defectum : etenim veritas laeditur affirmando vel plus quam res habet, vel minus quam habet, aut negando quod habet. Est tamen disparitas, quod medium virtutum intellectualium speculativarum sit medium rei, nimirum conformitas ad rem, independenter a determinatione rationis; medium vero virtutum intellectualium practicarum, ut prudentiae, sit medium rationis, utpote dependens a ratione determinante.*
>
> [1] *Ibid., a. 3, c.*

8 **I say** 4° : Theological virtues per se and by reason of object do not consist in mean, but well accidentally and by reason of subject [2]. Reason of first part, because we cannot transcend rule of these virtues; for God himself is, who is infinite truth, goodness and power. Whence, attention given to reason of object, we cannot love God too much, or believe and hope in him too much. Attention however given to reason of subject, or as far as concerns our part, we ought to be borne toward God according to measure of our condition, not with excessive effort whereby body be injured, not at unseasonable time which must needs be bestowed on others, as if someone give himself unto contemplation when he ought to attend affairs of family.]

2 Ibid., a. 4, c.

> ***Dico** 4° : Virtutes theologica per se et ratione objecti non consistunt in medio, bene tamen per accidens et ratione subjecti* [2]*. Ratio primae partis, quia non possumus transcendere regulam istarum virtutum; est enim ipse Deus, qui est infinita veritatis, bonitatis et potentiae. Unde, attenta ratione objecti, non possumus nimis amare Deum, aut nimis in ipsum credere et sperare. Attenta tamen ratione subjecti, seu quantum est ex parte nostra, debemus in Deum ferri secundum mensuram conditionis nostrae, non nimio conatu ex quo corpus laedatur, non tempore inopportuno quod aliis necessario debet impendi, ut si quis contemplationi se daret, quando deberet vacare rebus familiae.]*
>
> 2 *Ibid., a. 4, c.*

9 **§ II. — Whether all moral virtues are interconnected among themselves?**

> ***§ II. — Utrum omnes virtutes morales sint inter se connexae?***

10 [Certain it is 1° all intellectual virtues not to be interconnected; for who has one science has not all sciences. Certain it is 2° all theological virtues not to be interconnected; for charity lost through sin, faith and hope can remain. Whence council Trident., sess. VI, can. 28, defined : « If anyone shall say, grace lost through sin, that faith is always lost together with it, or that faith which remains is not true faith...; let him be anathema. » Certain it is 3° all infused moral virtues to be interconnected, because they are properties of grace with which they are infused, and with which perishing they perish.

> *[Certum est 1° omnes virtutes intellectuales non esse inter se connexas; non enim qui habet unam scientiam habet omnes scientias. Certum est 2° omnes virtutes theologicas non esse inter se connexas; amissa enim charitate per peccatum, possunt remanere fides et spes. Unde concilium Trident., sess. VI, can. 28, definivit : « Si quis dixerit, amissa per peccatum gratia, simul et fidem semper amitti, aut fidem quae remanet non esse veram fidem...; anathema sit. » Certum est 3° omnes virtutes morales infusas esse inter se connexas, quia sunt proprietates gratiae quacum infunduntur, et qua pereunte pereunt.*

11 Virtue can moreover be considered twice over, in perfect state and in imperfect state [1]. Imperfect virtue is that which does not attain essential reason of habit, but is some disposition or inclination toward some good, arisen either from temperament or from custom of certain acts of imperfect virtue; or, if it attain essential reason of habit, has nevertheless mode of disposition, inasmuch as it inheres not firmly enough in subject, nor subjects it constantly amid all occurring impediments. That virtues imperfect in either way are not interconnected, we confess spontaneously. For we see some, from natural complexion, which is called good disposition, or from some custom, prompt, e.g., unto works of liberality, who are not prompt unto works of chastity : and elsewhere essence of virtue is absolute, not relative, and thus for essence of one another is not necessarily required. Perfect virtue is, not only when it is in heroic degree, but also when it so firmly actuates and perfects subject, that

it incline it unto good work well and constantly done promptly and easily in every event and notwithstanding obstacles and difficulties occurring from everywhere.]

[1] Here q. 65, a. 1, c.

> *Potest autem virtus considerari dupliciter, in statu perfecto et in statu imperfecto [1]. Virtus imperfecta est qua non attingit rationem essentialem habitus, sed est quaedam dispositio vel inclinatio ad aliquod bonum, orta aut ex temperamento aut ex assuetudine quorumdam actuum imperfectae; vel, si attingat rationem essentialem habitus, habet tamen modum dispositionis, quatenus non satis firmiter inhaeret subjecto, nec ipsum constanter in omnibus occurrentibus impedimentis subjicit. Virtutes alterutro modo imperfectas non esse inter se connexas, ultro fatemur. Videmus enim aliquos ex naturali complexione, qua dicitur bona indoles, vel ex aliqua consuetudine, promptos, v. g., ad opera liberalitatis, qui non sunt prompti ad opera castitatis : et aliunde essentia virtutis est absoluta, non relativa, sicque ad essentiam unius non requiritur necessario altera. Virtus perfecta est, non solum quando est in gradu heroico, sed etiam quando ita firmiter subjectum actuat et perficit, ut illud inclinet ad opus bonum bene et constanter, prompte et facile faciendum in omni eventu et non obstantibus obstaculis et difficultatibus undequaque occurrentibus.*
>
> [1] *Hic q. 65, a. 1, c.*

12 **I say** : Acquired moral virtues in perfect state are so interconnected among themselves, that whoever lacks one, perfectly possesses none [2]. It is common with St. Thomas, against the Scotists.

[2] Ibid.

> ***Dico** : Virtutes morales acquisitae in statu perfecto sunt ita inter se connexae, ut qui una caret, nullam perfecte habeat [2]. Est communis cum S. Thoma, contra Scotistas.*
>
> [2] *Ibid.*

13 *It is proved.* 1° From Fathers [3]. St. Ambrosius, book VI on Luke, upon those words : *Beati pauperes spiritu*, says: « Interconnected and chained together are virtues, so that he who has one seems to have several. » St. Augustinus, book VI de Trinit., c. 4, n. 6 : « Virtues which are in human mind, although each single one be understood now in one way now in another, are nevertheless by no mode separated from each other, so that whosoever be equals, for example, in fortitude, be equal also in prudence, and temperance, and justice. For if you say these are equal in fortitude, but that one excels in prudence : it follows that fortitude of this one be less prudent, and thereby neither are they equal in fortitude, when fortitude of that one is more prudent. And thus about remaining virtues you will find, if you run through all with same consideration. » St. Gregorius, book XXII Moral., c. 1 : « One virtue without others is either altogether none, or imperfect..., because neither is prudence true which is not just, temperate and strong; nor temperance perfect which is not strong, just and prudent. » And Tullius himself said in book II de Tuscul. quaest. : « If you confess yourself not to have one virtue, it is necessary you will have none. »

[3] Ibid., in arg. Sed contra.

> Prob. *1° Ex Patribus [3]. S. Ambrosius, lib. VI in Lucam, ad illa verba :* Beati pauperes spiritu, *dicit : « Connexae sibi sunt concatenataque virtutes, ut qui unam habet, plures habere videatur. » S. Augustinus, lib. VI de Trinit., c. 4, n. 6 : « Virtutes quae sunt in animo humano, quamvis alio atque alio modo singulae intelligantur, nullo modo tamen separantur ab invicem, ut quicumque fuerint aequales, verbi gratia, in fortitudine, aequales sint et prudentia, et temperantia, et justitia. Si enim dixeris aequales esse istos fortitudine, sed illum praestare prudentia : sequitur ut hujus fortitudo minus prudens sit, ac per hoc nec fortitudine aequales sunt, quando est illius fortitudo prudentior. Atque ita de caeteris virtutibus invenies, si omnes eadem consideratione percurras. » S. Gregorius, lib. XXII Moral., c. 1 : « Una virtus sine*

aliis, aut omnino nulla est, aut imperfecta..., quia nec prudentia vera est, quae justa, temperans et fortis non est; nec perfecta temperantia, quae fortis, justa et prudens non est. » Et Tullius ipse dicebat in lib. II de Tuscul. quaest. : « Si unam virtutem confessus es te non habere, nullam necesse est te habiturum. »

[3] *Ibid., in arg. Sed contra.*

14 Prob. 2° by reason [1]. Perfect virtue is not without perfect prudence. But perfect prudence is not without company of other virtues. Therefore. — Major is certain, because prudence, as regards elections, is rule of moral virtue : whence virtue is defined, « habit choosing as prudent man will have determined. » And clear, because unto right election inclination toward due end does not suffice, which is had through virtue, but also required that one rightly choose those things which are toward end; which is had through prudence, which is counseling, judging and prescribing those things which are toward end. Thence so often we see those who seem powerful with some virtue, suppose strong ones, magnanimous ones, liberal ones, penitents, devout ones, etc., through defect of prudence choose means badly in ordine to end of virtue. — Minor therefore is proved. Prudence is not perfect, if appetite be not perfectly rectified concerning particular ends and matters of all virtues. But rectitude of appetite concerning ends and matters of virtues is had through virtues themselves; for proper to each virtue is to rectify appetite concerning its own end and matter : e.g., it belongs to justice to rectify will concerning what is due to another; to temperance, to rectify appetite concerning delectables of touch; to fortitude, concerning audacities and fears. Therefore. — Major is proved. Prudence is right reason of things doable or elections of means. But there cannot be perfect and right reason of things doable, unless appetite be rightly affected concerning ends; for things doable or eligible hang upon right intention of ends, as conclusions in speculables hang upon principles. Therefore, as reason cannot rightly stand concerning conclusions unless it rightly stand concerning principles, so in practicables same reason cannot stand rightly concerning things doable or eligible, unless appetite rightly stands concerning ends; which rectitude, as was said, is had through virtues themselves.

[1] Ibid., c.

Prob. 2° ratione [1]. Non est perfecta virtus sine perfecta prudentia. Atqui non est perfecta prudentia sine comitatu aliarum virtutum. Ergo. — Major est certa, quia prudentia, quoad electiones, est regula virtutis moralis : unde definitur virtus, « habitus electivus prout prudens determinaverit. » Et patet, quia ad rectam electionem non sufficit inclinatio ad debitum finem, quae habetur per virtutem, sed etiam requiritur quod quis recte eligat ea quae sunt ad finem; quod habetur per prudentiam, quae est consiliativa, judicativa et praeceptiva eorum quae sunt ad finem. Hinc tam frequenter videmus eos qui aliqua virtute videntur pollere, puta fortes, magnanimos, liberales, poenitentes, devotos, etc., defectu prudentiae male eligere media in ordine ad finem virtutis. — Prob. itaque minor. Non est perfecta prudentia, si appetitus non sit perfecte rectificatus circa fines particulares et materias omnium virtutum. Atqui ista rectitudo appetitus circa fines et materias virtutum habetur per ipsas virtutes; proprium enim cujusque virtutis est rectificare appetitum circa finem et materiam propriam : v. g., justitiae est rectificare voluntatem circa debitum alteri; temperantiae, rectificare appetitum circa delectabilia tactus; fortitudinis, circa audacias et timores. Ergo. — Prob. major. Prudentia est recta ratio agibilium seu electionum mediorum. Atqui non potest esse perfecta et recta ratio agibilium, nisi appetitus sit recte affectus circa fines; pendent enim agibilia seu eligibilia ex recta intentione finium, sicut conclusiones in speculativis pendent ex principiis. Ergo, sicut non potest ratio recte se habere circa conclusiones, nisi recte se habeat circa principia, sic in practicis eadem ratio non potest se habere recte circa agibilia seu eligibilia, nisi appetitus recte se habeat circa fines; quae rectitudo, ut dictum est, habetur per ipsas virtutes.

[1] *Ibid., c.*

15 Thence you have that prudence and virtues hang upon each other in diverse genus of cause. Prudence hangs on remaining virtues in genus of disposive cause, because judgment of prudence cannot be perfect, unless affection be well disposed concerning ends and matters of all virtues, which rectitude is had through virtues themselves, as was said. Remaining virtues however hang on prudence in genus of directive and intrinsic formal cause, because prudence directs election of means unto end, cutting off extremes whereby its judgment could be corrupted and mean of virtue impeded, which extremes wander through all genera of virtues.]

> *Hinc habes, prudentiam et virtutes pendere ab invicem in diverso genere causae. Prudentia pendet a caeteris virtutibus in genere causae dispositivae, quia non potest esse perfectum judicium prudentiae, nisi affectus sit bene dispositus circa fines et materias omnium virtutum, quae rectitudo habetur per ipsas virtutes, ut dictum est. Caeterae autem virtutes pendent a prudentia in genere causae directivae et formalis intrinsecae, quia prudentia dirigit electionem mediorum ad finem, rescindendo extrema quibus posset corrumpi ejus judicium et medium virtutis impediri, quae extrema vagantur per omnia virtutum genera.]*

16 **§ III. — Whether acquired moral virtues are necessarily connected with charity?**

> ***§ III. — Utrum virtutes morales acquisitae sint necessario connexae cum charitate?***

17 [Not here question of infused moral virtues, which are known to be inseparable from charity, as properties of sanctifying grace : nor of theological virtues; for faith and hope, according to Trident., sess. VI, cap. 6, precede charity in justification, and can. 28 of council strikes with anathema those who say that, « grace lost through sin, faith is always lost together with it, or that faith which remains is not true faith. » Dealt therefore now only with acquired moral virtues. For whose resolution,

> *[Non est hic quaestio de virtutibus moralibus infusis, quas constat esse a charitate inseparabiles, utpote gratiae sanctificantis proprietates : neque de virtutibus theologicis; fides enim et spes, juxta Trident., sess. VI, cap. 6, praecedunt in justificatione charitatem, et can. 28 concilium anathemate percutit eos qui dicunt quod, « amissa per peccatum gratia, simul et fidem semper amitti, aut fidem quae remanet non esse veram fidem. » Agitur ergo nunc tantum de virtutibus moralibus acquisitis. Pro cujus resolutione,*

18 **I say** : True acquired moral virtues can exist without charity, as they were in many gentiles, but imperfect [1].

1 Ibid., a. 2, c, et q. 71, a. 4, c.

> ***Dico** : Possunt esse sine charitate vera virtutes morales acquisitae, sicut fuerunt in multis gentilibus, sed imperfectae [1].*
>
> *[1] Ibid., a. 2, c, et q. 71, a. 4, c.*

19 First part is proved. Acquired moral virtue separated from charity has whatsoever pertains to essence of true virtue. Therefore. — The antecedent is proved. If something essential were lacking to virtue separated from charity, this would be order toward supernatural ultimate end. But order toward supernatural ultimate end is not something essential of acquired moral virtue : both because, as Angelicus says, IIa IIae, q. 47, a. 6, c, « end of moral virtues is human good, but human good of soul is to be according to reason : whence it must needs be that ends of moral virtues pre-exist in reason; » and because order toward supernatural end cannot be of essence of entitatively natural habit, such as acquired virtue is. Therefore.

Prob. *prima pars. Virtus moralis acquisita separata a charitate, habet quidquid ad essentiam verae virtutis pertinet. Ergo.* — Prob. *ant. Si quid essentiale deesset virtuti a charitate separatae, hoc esset ordo ad finem ultimum supernaturalem. Atqui ordo ad finem ultimum supernaturalem non est quid essentiale virtuti morali acquisitae : tum quia, ut dicit Angelicus, IIa 2°, q. 47, a. 6, c, « finis virtutum moralium est bonum humanum, bonum autem humanum animae est secundum rationem esse : unde necesse est quod fines moralium virtutum praeexistant in ratione; » tum quia ordo in finem supernaturalem non potest esse de essentia habitus entitative naturalis, qualis est virtus acquisita. Ergo.*

20 It is confirmed. 1° Charity is not intrinsic and essential form of other virtues, otherwise all virtues would be of same species, but extrinsic only and accidental form, inasmuch as through her they are referred unto supernatural end, whereby as it were ornament they are formed in supernatural order. Therefore independently from charity they are true virtues. 2° Faith, according to definition of Trident., remains true virtue without charity. Why not acquired moral virtues?

Confirm. *1° Charitas non est forma intrinseca et essentialis aliarum virtutum, alioquin omnes virtutes essent ejusdem speciei, sed forma extrinseca tantum et accidentalis, quatenus per eam referuntur ad finem supernaturalem, quo veluti ornamento formantur in ordine supernaturali. Ergo independenter a charitate sunt verae virtutes. 2° Fides, juxta definitionem Trident., remanet vera virtus sine charitate. Quidni virtutes morales acquisitae?*

21 Second part is proved. Perfect virtue is not without perfect prudence. But prudence, even acquired, is not totally destroyed through sin, but corrupted only in part, inasmuch as appetite is ill affected concerning end of some virtue against whom namely one sins. Therefore.

Prob. secunda pars. Non est perfecta virtus sine perfecta prudentia. Atqui prudentia, etiam acquisita, per peccatum non totaliter destruitur, sed tantum ex parte corrumpitur, quatenus appetitus male afficitur circa finem alicujus virtutis, contra quam scilicet peccatur. Ergo.

22 It is confirmed. Perfect virtue makes possessor simply good. Such however cannot sinner be called.

Confirm. *Virtus perfecta facit habentem simpliciter bonum. Talis autem non potest dici peccator.*

23 Thence you will infer that acquired moral virtues, although without charity they retain essence of virtue, are nevertheless not to be called virtues simply, but secundum quid; because they do not well order man respect simply ultimate end, but only respect ultimate end in some genus, and thus render man not absolutely and simply good. Whence virtues in gentiles are not to be called virtues simply, but according to essential reason of virtue. And perhaps opposite opinion pretends nothing else : whence question seems quasi nominal.]

Hinc inferes, virtutes morales acquisitas, licet sine charitate retineant essentiam virtutis, non esse tamen dicendas simpliciter virtutes, sed secundum quid; quia non bene ordinant hominem respectu ultimi finis simpliciter, sed tantum respectu finis ultimi in aliquo genere, sicque non reddunt hominem absolute et simpliciter bonum. Unde virtutes in gentibus non sunt dicendae virtutes simpliciter, sed secundum essentialem rationem virtutis. Et forte nihil aliud praetendit sententia opposita : unde quaestio videtur quasi de nomine.]

24 **§ IV. — On equality and duration of virtues.**

§ IV. — De aequalitate et duratione virtutum.

25 **I say** 1° : Intellectual virtues, speaking simply, are nobler than morals : both because they perfect nobler power, namely intellect; both because they have nobler object, namely things abstracted in common from matter [1]. Among moral virtues, prudence is nobler, because nearer to reason, in it indeed subjected; then justice, which resides in will; follows fortitude, lastly temperance, because

good of reason shines more forth in fortitude than in temperance : fortitude indeed perfects appetite in those things which pertain immediately unto life and death, temperance in those which pertain mediately only unto both, namely foods and venereals. Greater however is good of reason in things pertaining unto life, whereon other things in man depend, than in foods and venereals.

[1] Here [q. 66

> ***Dico** 1° : Virtutes intellectuales, simpliciter loquendo, sunt nobiliores moralibus : tum quia perficiunt nobiliorem potentiam, scilicet intellectum; tum quia habent nobilius objectum, scilicet res in communi abstractas a materia [1]. Inter virtutes morales, prudentia est nobilior, quia est propinquior rationi, in illa enim subjectatur; deinde justitia, quae residet in voluntate; sequitur fortitudo, ultimo temperantia, quia bonum rationis magis elucet in fortitudine quam in temperantia : fortitudo enim perficit appetitum in his quae immediate ad vitam et mortem pertinent, temperantia in his quae mediate tantum ad utramque pertinent, scilicet in cibis et venereis. Majus autem est bonum rationis in his quae pertinent ad vitam, a qua caetera in homine dependent, quam in cibis et venereis.*
>
> [1] *Hic [q. 66*

[26] **I say** 2° : Moral virtues do not remain after this life as regards their material element ; because there will no longer be place for delectation of foods and venereals, nor dangers of life, nor exchanges and distributions necessary unto use of this life; which all are matter about which moral virtues turn. They will remain nevertheless as regards formal element in fatherland, because appetite rectified and conformable to reason will remain [2].

[2] Here q. 67

> ***Dico** 2° : Virtutes morales non remanent post hanc vitam quantum ad suum materiale; quia non erit amplius locus delectationi ciborum et venereorum, neque periculis vitae, neque commutationibus et distributionibus necessariis ad usum hujus vitae; quae omnia sunt materia circa quam versantur virtutes morales. Remanebunt tamen quantum ad suum formale in patria, quia remanebit appetitus rectificatus et conformis rationi [2].*
>
> [2] *Hic q. 67*

[27] And let these few things concerning passions and virtues suffice for our institute. Who wishes to know more, let him read what St. Thomas treats more fully concerning these in cited places, likewise concerning seven gifts of Holy Spirit, eight beatitudes and twelve fruits of Holy Spirit, up to quest. 71.]

> *Et haec pauca de passionibus et virtutibus instituto nostro sufficiant. Qui plura scire cupit, legat quae fusius S. Thomas de his tractat in locis citatis, item de septem donis Spiritus sancti, de octo beatitudinibus et de duodecim fructibus Spiritus sancti, usque ad quaest. 71.]*

On Sins

On the Nature of Sin

1 D. Thomas, IIa IIae, from q. 71 to q. 89.

D. Thomas, IIa IIae, a q. 71 ad 89.

What is sin?

1 **I say** [1]: Sin is rightly defined by Aug., lib. XXII contra Faustum, c. 27: « A word, deed, or desire against the eternal law. »

[1] Here q. 71, a. 6, c.

Dico [1] *: Peccatum recte definitur ab Aug., lib. XXII contra Faustum, c. 27 : « Factum, vel dictum, vel concupitum contra aeternam legem. »*

[1] *Hic q. 71, a. 6, c.*

2 *It is proved.* That definition is good which explains the material and formal element of the thing defined; for by these both is the thing distinguished. But, when it says, word, deed, or desire, the material element of sin is explained, which is the human act. When it says, against the eternal law, the formal element is explained; for from this the act is sinful, namely that it is against the eternal law.

Prob. *Illa definitio est bona, quae explicat materiale et formale definiti; nam per id utrumque res dignoscitur. Atqui, dum dicitur, factum, vel dictum, vel concupitum, explicatur materiale peccati, quod est actus humanus. Dum dicitur, contra aeternam legem, explicatur formale; inde enim actus est peccaminosus, quod sit contra legem aeternam.*

3 [You will object: This definition does not apply to every sin. Therefore it is not legitimate. — Proof of the antecedent. This definition does not apply to the sin of omission, which is not a deed, etc. Therefore it does not apply to every sin.

[Objicies: Haec definitio non convenit omni peccato. Ergo non est legitima. — Prob. ant. Haec definitio non convenit peccato omissionis, quod non est factum, etc. Ergo non convenit omni peccato.

4 I answer. I deny the antecedent. — To prove it, again I deny the antecedent. In morals, affirmation and negation are reduced to the same genus. But omission is a negation, or rather the voluntary privation of an act owed, which act is a kind of affirmation; for in voluntary and culpable omission there is an unwillingness to obey, and thereby a will of resisting the law. Therefore omission cannot be voluntary, nor consequently culpable in the individual, without some act which is its cause or occasion, not on the part of the work, but on the part of the worker. Therefore, by reason of this act or deed, it is fitly comprehended under this definition of sin. Therefore this definition is legitimate.]

Resp. Nego ant. — Ad probat. iterum nego ant. In moralibus, affirmatio et negatio ad idem genus reducuntur. Sed omissio est negatio, seu potius privatio voluntaria actus debiti, qui est quaedam affirmatio; nam in omissione voluntaria et culpabili est noluntas obediendi et eo ipso voluntas resistendi legi. Ideo omissio non potest esse voluntaria, nec consequenter culpabilis in individuo, sine aliquo actu qui sit causa vel occasio illius, non ex parte operis, sed ex parte

operantis. Ergo, ratione hujus actus seu facti, convenienter comprehenditur sub hac definitione peccati. Ergo haec definitio est legitima.]

5 **I say** 2°: It is essential to sin that it be an injury and offense of God.

***Dico** 2° : Essentiale est peccato quod sit injuria et offensa Dei.*

6 It follows from the preceding. For it is essential to sin that it be against the law of God, as was said. But he who knowingly and willingly acts against the law offends the lawgiver, because he contradicts his will, and refuses him the obedience and subjection owed.

Sequitur ex praecedenti. Est enim essentiale peccato quod sit contra legem Dei, ut dictum est. Qui autem sciens et volens agit contra legem, offendit legislatorem, quia ejus voluntati contradicit, eique debitam obedientiam et subjectionem recusat.

7 And from this you will gather that there cannot be given a merely philosophical sin, that is, one which is only against reason and not against God, nor an offense of him.

Et hinc colliges, non posse dari peccatum mere philosophicum, id est quod sit solum contra rationem et non contra Deum, nec ejus offensa.

8 (It seems that, if the matter be considered in the abstract, philosophical sin could be distinguished from theological sin. For St. Thomas says, 1ª 2°, q. 71, a. 6. ad 5: « By theologians sin is considered principally according as it is an offense against God, but by the moral philosopher according as it is contrary to reason. » But this must be understood only hypothetically or conditionally, as is clear from these words of his, 2. 2., q. 20, a. 3, c: « If conversion to a changeable good could be without aversion from God, although it were inordinate, it would not be mortal sin. »

(Videtur quod, si res in abstracto consideretur, peccatum philosophicum distingui possit a peccato theologico. Dicit enim S. Thomas, 1ª 2°, q. 71, a. 6. ad 5 : « A theologis consideratur peccatum praecipue secundum quod est offensio contra Deum, a philosopho autem morali, secundum quod contrariatur rationi. » Sed hoc hypothetice tantum seu conditionate intelligendum est, ut patet ex his ejusdem verbis, 2. 2., q. 20, a. 3, c : « Si posset esse conversio ad bonum commutabile sine aversione a Deo, quamvis esset inordinata, non esset peccatum mortale. »

9 And he brings this reason in the same place: « In every mortal sin the principal reason of evil and gravity is from this, that it turns away from God. » Therefore, if conversion to a changeable good could be without aversion from God, sin would not be theological, but only philosophical, as « disagreeing with rational nature alone and right reason. »

Et hanc rationem ibidem affert : « In quolibet peccato mortali, principalis ratio mali et gravitas est ex hoc quod avertit a Deo. » Ergo, si conversio ad bonum commutabile posset esse sine aversione a Deo, peccatum non esset theologicum, sed tantum philosophicum, ut « soli naturae rationali et rectae rationi disconveniens. »

10 **I say**: Merely philosophical sin cannot in fact exist.

***Dico** : Peccatum mere philosophicum de facto existere non potest.*

11 It is proved 1° from the condemnation by Alexander VIII issued on August 24, 1690, against the following proposition, which Arnaldus had fabricated by twisting certain texts, so that he might attribute it, after his manner, to his adversaries: « Philosophical or moral sin is a human act disagreeing with rational nature and right reason; but theological and mortal sin is the free transgression of the divine law. Philosophical sin, however grave, in him who either does not know

God or does not actually think of God, is a grave sin, but it is not an offense of God, nor a mortal sin dissolving the friendship of God, nor worthy of eternal punishment. » — This proposition was « declared and condemned as scandalous, temerarious, offensive to pious ears, and erroneous. »

> *Prob. 1° ex condemnatione ab Alexandro VIII directa, die 24 augusti 1690, contra propositionem sequentem, quam, textus aliquos torquendo, Arnaldus effinxerat, ut eam adversariis suis, pro more suo, attribueret : « Peccatum philosophicum seu morale est actus humanus disconveniens naturae rationali et rectae rationi; theologicum vero et mortale est transgressio libera legis divinae. Philosophicum, quantumvis grave, in illo qui Deum vel ignorat vel de Deo actu non cogitat, est grave peccatum, sed non est offensa Dei, neque peccatum mortale dissolvens amicitiam Dei, neque aeterna poena dignum. » — Haec propositio fuit « declarata et damnata uti scandalosa, temeraria, piarum aurium offensiva et erronea. »*

12 It is proved 2° by reason. According to Augustine, theological sin is « a word, deed, or desire against the eternal law, » and as the Angelic Doctor observes in the former place related above, « Augustine defines sin more fittingly from this, that it is against the eternal law, than from this, that it is against reason, especially since by the eternal law we are regulated in many things that surpass reason. » Whence it follows that we are regulated by this law also in those things which pertain to reason. But whenever anything is done against right reason, the eternal law is injured. Therefore such an act is theological sin. — Proof of the minor. 1° Right reason is nothing else than a participation of the eternal law, or an intellectual light manifesting to us the eternal law. Therefore no one can act against right reason without at the same time injuring the eternal law.

> *Prob. 2° ratione. Ex Augustino, peccatum theologicum est « factum, vel dictum, vel concupitum contra aeternam legem, » et ut advertit Angelicus in priori loco supra relato, « Augustinus convenientius definit peccatum ex hoc quod est contra legem aeternam, quam ex hoc quod est contra rationem, praecipue cum per legem aeternam regulemur in multis quae excedunt rationem. » Unde sequitur hac lege nos regulari etiam in his quae pertinent ad rationem. Atqui quoties aliquid agitur contra rectam rationem, laeditur lex aeterna. Ergo hujusmodi actus est peccatum theologicum. — Prob. min. 1° Recta ratio nihil aliud est quam participatio legis aeternae, seu lumen intellectuale nobis legem aeternam manifestans. Ergo non potest quis agere contra rectam rationem, quin simul laedat legem aeternam.*

13 If you object that he who acts against right reason may not attend to the eternal law, and consequently cannot injure it in any way, I answer that no one is ignorant of this principle of the eternal law: « Evil is to be avoided. » But whoever acts against right reason knows and necessarily advertes that his action is evil; for it is supposed that he spurns the dictamen of conscience. Therefore he injures the eternal law. Therefore theological sin is admitted.

> *Si objicias quod qui agit contra rectam rationem potest ad legem aeternam non attendere, et consequenter eam nullo modo laedere, respondeo neminem ignorare hoc principium legis aeternae : « Malum est vitandum. » Atqui quicumque agit contra rectam rationem, scit et necessario advertit suam actionem esse malam; supponitur enim eum dictamen conscientiae spernere. Ergo legem aeternam laedit. Ergo peccatum theologicum admittit.*

14 2° From the very name it is understood that theological sin is committed against God. For he who knowingly acts against right reason commanding or forbidding perceives that he subverts the natural order, and knows at least implicitly that this order was established from eternity by the supreme legislator, that is, by God. Therefore he sins against God himself. Therefore such sin is theological.]

> *2° Ex ipso nomine intelligitur peccatum theologicum contra Deum committi. Qui enim conscie agit contra rectam rationem praecipientem aut prohibentem, percipit se subvertere ordinem naturalem, et saltem implicite cognoscit hunc*

ordinem statutum fuisse ab aeterno et supremo legislatore, id est a Deo. Ergo contra Deum ipsum peccat. Ergo tale peccatum est theologicum.]

Whether the formal constitutive of the sin of commission consists in something positive, or privative?

1 Because concerning this question theologians have been most divided, even Thomists, that I may satisfy all, I shall briefly set forth the principal points of each opinion, with the responses of the adverse party.

Quia circa hanc quaestionem maxime divisi sunt theologi, etiam Thomistae, ut omnibus satisfaciam, breviter proponam praecipua utriusque sententiae momenta, cum responsis adversae partis.

2 There is proposed the opinion placing the formal constitutive of sin of commission in something privative ?

Proponitur sententia reponens formale constitutivum peccati commissionis in privativo ?

3 1° According to Scripture, the holy Fathers, especially St. Thomas, sin is nothing, it is aversion from God, it is lack or privation of due perfection and rectitude. Ergo.

1° Juxta Scripturam, SS. Patres, praesertim S. Thomam, peccatum est nihil, est aversio a Deo, est carentia seu privatio perfectionis et rectitudinis debita. Ergo.

4 2° Sin is essentially evil, nay supreme evil. Yet evil is essentially privation; for every being, qua being, is good. Ergo.

2° Peccatum est essentialiter malum, imo summum malum. Atqui malum est essentialiter privatio; omne ens enim, in quantum ens, est bonum. Ergo.

5 3° and chiefly. If moral malice or the formal constitutive of sin were something positive, God would be cause of sin, etc. The consequent is more than false and expressly condemned in Concil. Trid., sess. VI, can. 61 [1]. Ergo. — Prob. sequelae maj. God ought to be cause of every real positive, otherwise he would not be first and most universal cause, which requires that every real positive, under every real and positive formality, be from him who is the fountain of all being. Ergo.

1 « If anyone shall say that it is not in man's power to make his ways evil, but that the works that are evil, as well as the works that are good, God works — not permissively only, but properly and of himself — so that his own working is not less the treason of Judas than the calling of Paul; let him be anathema. »

3° et praecipue. Si malitia moralis seu formale constitutivum peccati sit quid positivum, Deus erit causa peccati, etc. Consequens est plus quam falsum et expresse damnatum in Concil. Trid., sess. VI, can. 61[1]. Ergo. — Prob. sequelae maj. Deus debet esse causa omnis realis positivus, alias non esset prima et universalissima causa, quae exigit ut omne reale positivum, sub omni reali et positiva formalitate, sit ab eo qui est fons totius esse. Ergo.

1 « Si quis dixerit, non esse in potestate hominis vias suas malas facere, sed mala opera, ita ut bona, Deum operari, non permissive solum, sed etiam proprie et per se, adeo ut sit proprium ejus opus non minus proditio Juda quam vocatio Pauli; anathema sit. »

6 **Responses of the adverse party**

Responsiones adversae partis

7 They observe 1° that evil is twofold: absolute and simply evil, which includes no goodness or entity, as privation of coldness in hot water; respective evil and secundum quid, which includes some entity and goodness, and thus is evil to one, while it can be good to another, as heat in water. In the act of

sin both evils are found: the respective evil and secundum quid, namely a positive tendency toward an object dissonant from the rules of morals; and the absolute evil and simply, namely the privation of rectitude connoted and caused by the positive act, or accompanying it and founded in it.

> *Observant 1° esse duplex malum : malum absolutum et simpliciter, quod nihil bonitatis et entitatis includit, ut privatio frigiditatis in aqua calida; malum respectivum et secundum quid, quod aliquid entitatis et bonitatis includit, et ita est alicui malum, ut possit esse alteri bonum, ut calor in aqua. In actu peccati utrumque malum reperitur : malum respectivum et secundum quid, scilicet tendentia positiva ad objectum dissonum regulis morum ; et malum absolutum et simpliciter, scilicet privatio rectitudinis connotata et causata ab actu positivo, seu eum comitans et in illo fundata.*

8 They observe 2° that privation can be considered in two ways: in fieri and in facto esse. In fieri it is something positive, in facto esse it is nothing. It appears in death, which in fieri is something positive, namely disease or a lethal wound; in facto esse, mere privation of life. So in the act of sin: privation of rectitude in fieri is something positive, namely the tendency of the act toward an object dissonant from the rules of morals; in facto esse, a mere privation resulting from this tendency.

> *Observant 2° privationem posse considerari dupliciter : in fieri et in facto esse. In fieri est quid positivum, in facto esse est nihil. Patet in morte, quae in fieri est quid positivum, puta morbus aut vulnus lethale ; in facto esse, mera privatio vitae. Ita in actu peccati : privatio rectitudinis in fieri est quid positivum, scilicet tendentia actus in objectum dissonum regulis morum; in facto esse, mera privatio ex hac tendentia resultans.*

9 They observe 3° that there are two kinds of aversion: one privative, the other contrary; that in every sin there is aversion from God, not only privative but also, at least virtually and interpretatively, contrary, inasmuch as man by sinning not only withdraws from God, but virtually and interpretatively at least rises up against him, transgressing his law, denying him obedience and casting him off as friend and last end. These things observed,

> *Observant 3° duplicem esse aversionem : unam privativam, alteram contrariam; in omni peccato esse aversionem a Deo, non solum privativam, sed etiam, saltem virtualiter et interpretative, contrariam, quatenus homo peccando non tantum recedit a Deo, sed virtualiter et interpretative saltem insurgit in ipsum, transgrediendo ejus legem, denegando ipsi obedientiam et abjiciendo ipsum ut amicum et ultimum finem. His observatis,*

10 They answer to the first, with St. Thomas, q. 2 de Malo, a. 1, ad 4, that sin is called nothing, not on account of its formal self, but on account of the mode or privation following or accompanying it.

> *Respondent ad primum, cum D. Thoma, q. 2 de Malo, a. 1, ad 4, peccatum dici nihil, non ratione sui formalis, sed ratione modi seu privationis consequentis seu comitantis.*

11 Aversion is said on account of the same connoted privation, or aversion is taken not only privatively but also contrarily.

> *Dicitur aversio ratione ejusdem privationis connotatae, vel sumitur aversio, non solum private, sed etiam contrarie.*

12 Privation of due perfection or rectitude is said because it founds and involves it, or we speak of sin as it is evil simply, not as it is moral and respective evil. Sometimes also the holy Fathers speak of habitual sin.

> *Dicitur privatio perfectionis seu rectitudinis debitae, quia illam fundat et involvit, vel sermo est de peccato ut est malum simpliciter, non ut est malum morale et respectivum. Quandoque etiam SS. Patres loquuntur de peccato habituali.*

13 To the second they answer, that sin is evil, not simply and absolutely, but moral and respective, which does not consist in bare privation.

> *Ad secundum respondent, peccatum esse malum, non simpliciter et absolute, sed morale et respectivum, quod non consistit in sola privatione.*

14 To the third, they deny the consequent. To the proof they distinguish. God is cause of every real positive under the character of entity, *I concede*; under the character of deformity, *I deny*. Or in other terms, he is cause of every real positive materially, *I concede*; formally, *I deny*. That is, God is cause of every real positive simply and absolutely, not as founding and connoting a consecutive or adjunct privation. But the formal constitutive of sin is real positive, not as effectible, but as defectible; not materially and absolutely, but formally, as founding privation: whence it does not follow that God is cause of sin.

> *Ad tertium, negant sequelam. Ad probationem distinguunt. Deus est causa omnis realis positivi sub ratione entitatis,* conc.*; sub ratione deformitatis,* nego. *Vel aliis terminis, est causa omnis realis positivi materialiter,* conc.*; formaliter,* nego. *Id est, Deus est causa omnis realis positivi simpliciter et absolute, non ut fundantis et connotantis privationem consecutam vel adjunctam. Formale autem constitutivum peccati est positivum reale, non ut effectibile, sed ut defectibile; non materialiter et absolute, sed formaliter, ut fundans privationem : unde non sequitur quod Deus sit causa peccati.*

15 They answer 2° by retorting the argument, and say, the adverse opinion labors under the same difficulty. For thus they argue: The foundation of the privation in which the adverse opinion places the formal constitutive of sin, reduplicatively as such, is something real positive; for negation or privation cannot be the foundation of another negation or privation, else to this prior negation another negation ought to be assigned as foundation, and so on to infinity. Ergo, if God necessarily causes every real positive in sin, he causes its foundation as such. — They subjoin: He truly and properly causes sin who causes its foundation as such, especially since formal sin, in this opinion, is privation. Now privation is not caused directly and per se, but results from the positing of the foundation, nor can it otherwise be caused; because, since it is nothing, it cannot of itself and directly terminate influx.

> *Respondent 2° retorsione argumenti, et dicunt, sententiam adversam eadem praemi difficultate. Sic enim arguunt : Fundamentum privationis in qua adversa sententia reponit formale constitutivum peccati, reduplicative ut tale, est quid reale positivum; negatio enim aut privatio non potest esse fundamentum alterius negationis vel privationis, alias istius prioris negationis deberet assignari altera negatio pro fundamento, et sic in infinitum. Ergo, si Deus necessario causet omne reale positivum in peccato, causat ejus fundamentum ut tale. — Subsumunt : Ille vere et proprie causat peccatum, qui causat illius fundamentum ut tale, praesertim cum peccatum formale, in hac sententia, sit privatio. Privatio autem non causatur directe et per se, sed resultat ex positione fundamenti, nec aliter potest causari; quia, cum sit nihil, non potest per se et directe terminare influxum.*

16 **§ II.**

> ***§ II.***

17 There is proposed the opinion placing the formal constitutive of sin of commission in something positive, with the responses of the adverse party.

> *Proponitur sententia reponens formale constitutivum peccati commissionis in positivo, cum responsionibus adversae partis.*

18 1° Scripture explains sin through conversion toward an evil object. *Jerem.*, II, 13: *My people have done two evils: they have forsaken the fountain of living water, and have digged to themselves cisterns, broken cisterns, that can hold no water.* And *Osee*, IX, 10: *They became abominable as those things which they loved.*

> *1° Scriptura explicat peccatum per conversionem ad objectum malum.* Jerem., *II, 13 :* Duo mala fecit populus meus : dereliquerunt fontem aquae vivae, et foderunt sibi cisternas, cisternas dissipatas quae continere non valent aquas. *Et* Osee, *IX, 10 :* Facti sunt abominabiles, sicut ea quae dilexerunt.

19 2° St. Thomas, 1ª 2ª, q. 18, where he begins to treat ex professo of human acts in the order of morals, teaches, art. 5, ad 2, and q. 72, a. 1, c, and art. 9, ad 1; likewise q. 79, a. 2, ad 3, that the constitutive difference of a sinful act, qua such and as it is subdivided against moral good, is not a privation but something positive, namely a positive tendency of the act toward an object dissonant from reason; but that privation has reference to it only consequently.

> *2° S. Thomas, 1ª 2°, q. 18, ubi incipit agere ex professo de actibus humanis in esse moris, docet, art. 5, ad 2, et q. 72, a. 1, c, et art. 9, ad 1; item q. 79, a. 2, ad 3, differentiam constitutivam actus peccaminosi, qua talis et prout condividitur a bono morali, non esse privationem, sed quid positivum, nempe tendentiam positivam actus ad objectum dissonum rationi; privationem autem se habere tantum consequenter.*

20 And 1ª p., q. 48, a. 1, ad 2, and q. 1 de Malo, a. 1, c, says that evil simply differs in this from moral evil, that evil simply consists in privation, but moral evil in something positive to which privation is joined. Whence q. 2 de Malo, a. 11, ad 13: « Sin, he says, is not pure privation, as darkness, but is something positive. » And 2ª 2ª, q. 6, a. 2, ad 2: « Deformity [of sin] imports not only privation of due form, but also a contrary disposition, »

> *Et 1ª p., q. 48, a. 1, ad 2, et q. 1 de Malo, a. 1, c, dicit malum simpliciter in hoc differre a malo morali, quod malum simpliciter consistat in privatione, malum autem morale in positivo cui jungitur privatio. Unde q. 2 de Malo, a. 11, ad 13 : « Peccatum, inquit, non est privatio pura, sicut tenebrae, sed est aliquid positive. » Et 2ª 2°, q. 6, a. 2, ad 2 : « Deformitas [peccati] non solum importat privationem debitae formae, sed etiam contrariam dispositionem, »*

21 3° That is the formal constitutive of sin from which sin has that whereby it is first moral evil. Yet sin of commission has first that whereby it is moral evil through the positive and vital tendency toward an evil object. Ergo. — And 1° that thence it has being moral evil is proved, because that tendency proceeds freely from the will as subject to the rules of morals, and regards a moral object, namely one dissonant from the rules of morals. Ergo it pertains to the moral line, and contracts from that object some moral species, not goodness, not indifference. Ergo formal malice. 2° That from that tendency it has first that whereby it is moral evil is proved. That tendency morally evil precedes the act's privation of rectitude; for the act of sin lacks rectitude because it tends toward an evil object, since every motion tending from one term to another first per se regards the term to which, whence follows aversion or withdrawal from the term from which. Ergo.

> *3° Illud est formale constitutivum peccati, a quo peccatum habet quod sit primo malum morale. Atqui peccatum commissionis habet primo quod sit malum morale, per positivam et vitalem tendentiam in objectum malum. Ergo. — Et 1° quod inde habeat esse malum morale probatur, quia illa tendentia procedit libere a voluntate ut subjecta regulis morum, et respicit objectum morale, scilicet dissonum regulis morum. Ergo pertinet ad lineam moralem, contrahitque ab illo objecto aliquam speciem moralem, non bonitatem, non indifferentiam. Ergo malitiam formalem. 2° Quod ex illa tendentia habeat primo quod sit malum morale, probatur. Illa tendentia moraliter mala prius convenit actui quam privatio rectitudinis; ideo enim actus peccati caret rectitudine, quia tendit in objectum malum, cum omnis motus tendens*

ab uno termino ad alium, primo per se respiciat terminum ad quem, ex quo sequitur aversio seu recessus a termino a quo. Ergo.

22 And granted that privation would not follow but precede or at least accompany the act, as some will, nevertheless the argument would stand, because it cannot be but that the moral tendency of the act toward a moral object does not contract moral species, since every act is specified by its object.

Et dato quod privatio non sequeretur, sed praecederet aut saltem comitaretur actum, ut quidam volunt, nihilominus subsisteret argumentum, quia fieri non potest quin tendentia moralis actus ad objectum morale non contrahat speciem moralem, cum omnis actus a suo objecto specificetur.

23 4° Formal morality taken generically consists in something positive, namely in real transcendental order toward an object subjected to the rules of morals, and it is divided into three species: goodness, malice and indifference, as we said in the treatise on Human Acts. Yet a positive genus cannot be contracted through privation, but only through positive difference. Ergo the constitutive difference of moral malice, like that of goodness, is positive.

4° Moralitas formalis generice sumpta consistit in positivo, scilicet in ordine reali transcendentali ad objectum subditum regulis morum, et in tres species dividitur, in bonitatem, malitiam et indifferentiam, ut diximus in tractatu de Actibus humanis. Atqui genus positivum non potest contrahi per privationem, sed solum per differentiam positivam. Ergo differentia constitutiva malitiae moralis, sicut bonitatis, est positiva.

24 **Responses of the adverse party**

Responsiones adversae partis

25 To the first it is answered that Scripture explains sin, now privatively, now positively, so that the privative is formal and the positive material. But others urge that this answer is not only gratuitous but also false, both because God complains no less of the positive than of the privative, and because only formal sin is abominable: here however the abomination is something positive, namely love.

Ad primum respondetur quod Scriptura explicet peccatum, modo per privativum, modo per positivum, ita ut privativum sit formale et positivum materiale. At instant alii, quod haec responsio sit non solum gratuita, sed etiam falsa, tum quia Deus non minus conqueritur de positivo quam de privativo, tum quia solum peccatum formale est abominabile : hic autem abominatio est quid positivum, nempe dilectio.

26 To the second it is answered, that St. Thomas speaks of sin materially and considered in physical being, not formally and in the order of morals, or for formal malice; or, as others say, of sin of commission as it is commission, not as it is sinful. But true, say others, St. Thomas, 1^a 2^a, from q. 8 to 18 had already treated human acts in physical being; from q. 18 inclusive onward however he treats the goodness and malice of human acts. Ergo at least the texts cited from 2^a 2^a are badly expounded concerning the specification and constitution of sin as regards the material of sin. Moreover there and elsewhere the holy Doctor speaks in the same manner of the constitution of formal moral good. Ergo.

Ad secundum respondetur, S. Thomam loqui de peccato materialiter et in esse physico considerato, non formaliter et in esse moris, seu pro formali malitia; vel, ut alii dicunt, de peccato commissionis ut est commissio, non ut est peccaminosa. Verum, inquiunt alii, S. Thomas, 1^a 2°, a q. 8 ad 18 jam egerat de actibus humanis in esse physico; a q. autem 18 inclusive et deinceps agit de bonitate et malitia morali actuum humanorum. Ergo saltem textus laudati ex 2^a 2^a male

exponuntur de specificatione et constitutione peccati quoad materiale peccati. Insuper illic et alibi S. Doctor eodem modo loquitur de constitutione boni moralis formaliter. Ergo.

27 To the third it is answered, that this tendency does not terminate at the object reduplicatively as morally evil, or as deformed against the rules of morals, but only materially and speculatively; for it regards it formally as a certain good useful or delightful, since no one intending evil acts. Whence it follows that that tendency has from the object only that it be materially and fundamentally evil, and not formally.

Ad tertium respondetur, istam tendentiam non terminari ad objectum reduplicative ut malum moraliter, seu ut difforme regulis morum, sed solum materialiter et speculative; illud enim respicit formaliter ut bonum quoddam utile aut delectabile, cum nemo intendens malum operetur. Ex quo sequitur quod illa tendentia habeat tantum ab objecto quod sit mala materialiter et fundamentaliter, et non formaliter.

28 To the fourth it is answered that morality in common is not a univocal genus to goodness and malice, but analogous, importing two diverse characters, one positive, the other negative. But others urge against that positive tendency of the act toward an evil object, which is a true positive species in the moral line, not good, not indifferent. Ergo evil. Ergo it stands under the genus of the same character.

Ad quartum respondetur quod moralitas in communi non sit genus univocum ad bonitatem et malitiam, sed analogum, importans duas diversas rationes, unam positivam, alteram negativam. Sed instant alii in illa tendentia positiva actus ad objectum malum, quae est vera species positiva in linea morali, non bona, non indifferens. Ergo mala. Ergo subest generi ejusdem rationis.

On the sin of omission

1 **§ I.**

§ I.

2 **Whether every act joined to an omission, and incompatible with the observance of the precept that is omitted, is a sin, and of what species?**

Utrum omnis actus omissioni adjunctus et cum observantia praecepti quod omittitur incompossibilis, sit peccatum, et cujus speciei?

3 I suppose from the preceding treatise on Human Acts, dissert. I, a. 2, that the sin of omission can exist without any act which is of its essential character, yet not without every act which is the cause or occasion of it. There can also intervene an act only concomitantly, and which is not the cause or occasion of it,

Suppono ex tractatu praecedenti de Actibus humanis, dissert. I, a. 2, peccatum omissionis posse esse absque omni actu qui sit de essentiali ejus ratione, non tamen sine omni actu qui sit causa vel occasio illius. Potest etiam intervenire actus concomitanter tantum, et qui non sit causa aut occasio illius,

4 **I say** 1° : Every act, though good from its object, which is the cause or occasion of the omission of an act commanded, is vitiated by the very omission and becomes evil. But an act which is not the cause or occasion of the omission, but stands to it only concomitantly, although it be incompatible with the commanded act, unless it be evil from elsewhere, is not a sin, nor is vitiated by the

omission. Whence, if anyone out of affection for study omit Mass, the study is evil; but if anyone, after a firm resolution to omit Mass, lest he remain idle, studies, the study is not a sin.

> ***Dico** 1° : Omnis actus, quamvis ex objecto bonus, qui est causa vel occasio omissionis actus praecepti, vitiatur ex ipsa omissione et fit malus. Actus vero qui non est causa vel occasio omissionis, sed tantum concomitanter se habet ad illam, quamvis sit cum actu praecepto incompossibilis, nisi sit aliunde malus, non est peccatum, nec vitiatur ex omissione. Unde, si quis ex affectu ad studium omittat sacrum, studium est malum; si quis vero, post firmum propositum omittendi sacrum, ne maneat otiosus, studeat, studium non est peccatum.*

5 The first part is clear : 1° Because to posit the cause or occasion of sin is to consent to sin and will it indirectly. But to consent to sin, and will it even indirectly, is sin, *Rom.*, I, 32. 2° Because by the same precept both the omission is forbidden and the act which is its cause or occasion; thus, v. g., the affirmative precept of hearing Mass includes virtually the negative precept forbidding all things impeding the hearing of Mass.

> *Patet prima pars : 1° Quia ponere causam vel occasionem peccati, est consentire in peccatum et illud velle indirecte. Atqui consentire in peccatum, et illud velle etiam indirecte, est peccatum,* Rom., *I, 32. 2° Quia eodem praecepto prohibetur omissio et actus qui est causa vel occasio ejus; sic, v. g., praeceptum affirmativum audiendae missae includit virtualiter praeceptum negativum prohibens omnia impedientia auditionem missae.*

6 The second part also is clear : because, since this act is supposed evil neither from itself nor from its circumstances, it can have no malice except from the omission. But it can have none from an omission of which it is not the cause or occasion, but toward which it stands only per accidens and concomitantly. Therefore.

> *Secunda pars etiam patet : quia, cum iste actus neque ex se neque ex circumstantiis supponatur malus, nullam potest habere malitiam nisi ex omissione. Nullam autem habere potest ex omissione cujus non est causa vel occasio, sed ad quam per accidens tantum et concomitanter se habet. Ergo.*

7 If you say this act is done at an undue time, *I answer* : The supposition being made that one has previously efficaciously determined himself to omit the commanded act, v. g., Mass, then study does not occur at a time formally and privatively undue, but materially only; because then study is not forbidden by reason of itself, but by reason of the omission of Mass, of which it is not the cause or occasion. Whence it is better then to study than to remain idle.

> *Si dicas, hunc actum fieri tempore indebito,* resp. *: Facta suppositione quod quis efficaciter se prius determinaverit actum praeceptum omittere, v. g., sacrum, tunc studium non fit tempore formaliter et privative indebito, sed materialiter tantum; quia tunc studium non prohibetur ratione sui, sed ratione omissionis sacri, cujus non est causa vel occasio. Unde melius est tunc studere, quam manere otiosus.*

8 Hence you will infer that persons playing at the time of Mass with one who has previously firmly resolved not to hear Mass do not sin, since this play, as standing only concomitantly to the omission of Mass, is not a sin, and thus the fellow-players do not share in the sin of the other : otherwise, for the opposite reason, it would have to be said if he omitted Mass on account of the play.

> *Hinc inferes, ludentes tempore sacri cum eo qui prius firmiter statuit non audire sacrum, non peccare, quia iste ludus cum concomitanter tantum se habeat ad omissionem sacri, non est peccatum, sicque colludentes non participant peccato alterius : secus, propter rationem oppositam, dicendum esset, si propter ludum omitteret sacrum.*

9 Moreover, understand the second part of the conclusion of an act which stands thus concomitantly to the omission, so however that it does not take away the power of fulfilling the precept, in case there be place and hope of retracting the evil resolution; for then although this act would stand consequently or only concomitantly to the first omission, it would nevertheless stand antecedently and causally to subsequent omissions, in case he changed his will, whose change is supposed to have place and hope present. Nay he would commit a new sin distinct from the omission, because not only is disobedience to a precept a sin, but especially to take away from oneself the possibility of fulfilling it; which is a sign of a heart hardened.

> *Caeterum, intellige secundam partem conclusionis de actu qui sic se habet concomitanter ad omissionem, ut tamen non auferat potentiam adimplendi praeceptum, casu quo sit locus et spes retractandi malum propositum; quia tunc licet actus iste se haberet consequenter seu concomitanter tantum ad primam omissionem, haberet se tamen antecedenter et causaliter ad sequentes, casu quo mutaret voluntatem, cujus mutationis supponitur adesse spes et locus. Imo committeret novum peccatum ab omissione distinctum, quia non solum non obedire praecepto peccatum est, sed et maxime auferre sibi possibilitatem adimplendi; quod est cordis obdurati argumentum.*

10 Hence you will infer that a cleric sailing, who after the impious resolution of not reciting the Hours throughout a long voyage throws his Breviary into the sea, commits besides the omission a distinct sin to be declared in confession, on account of the impossibility which he voluntarily contracts of fulfilling the precept, while there is place and hope, on account of the length of time, of retracting the evil resolution.

> *Hinc inferes, clericum navigantem, qui post impium propositum non recitandi horas per totam et longam navigationem, projicit suum Breviarium in mare, praeter omissionem, distinctum peccatum committere explicandum in confessione propter impossibilitatem quam voluntarie contrahit adimplendi praecepti, dum est locus et spes, ob diuturnitatem temporis, retractandi malum propositum.*

11 I judge the same of him who, after a firm resolution not to keep the vow of chastity, takes a wife; the same of him who, after a firm will not to restore what belongs to another, squanders it : and of other like cases. Otherwise of him who, after an efficacious resolution not to hear Mass, gives himself to sleep at the time of Mass drawing near, because it is unlikely that in so brief an interval he changed his mind; and accordingly sleep is not held to take away the moral power of hearing Mass, but to suppose it taken away.

> *Idem cense de eo qui, post firmum propositum non servandi votum castitatis, uxorem ducit; idem de illo qui, post firmam voluntatem non restituendi aliena, ea dissipat : et de aliis similibus. Secus de illo qui, post efficax propositum non audiendi sacrum, se somno dat instante tempore sacri, quia non est verisimile quod in tam brevi intervallo mutaret sententiam; ac proinde somnus non censetur tollere potentiam moralem audiendi sacrum, sed ablatam supponere.*

12 **I say** 2° : Although an act good or indifferent of itself, which is the cause or occasion of a culpable omission, becomes evil, nevertheless the common opinion is, against the few, that it is not evil with any other malice than that of the omission, and thus need not necessarily be declared in confession; so that he who omitted Mass on account of study or play suffices if he say he omitted Mass.

> ***Dico** 2° : Quamvis actus de se bonus aut indifferens, qui est causa vel occasio omissionis culpabilis, fiat malus, communis tamen sententia est, contra paucos, non esse malum alia malitia quam omissionis, sicque non esse necessario explicandum in confessione; ita ut qui sacrum omisit propter studium aut ludum, sufficit si dicat se omisisse sacrum.*

13 The reason is, because, as the will of omitting is not a sin distinct either in species or number from the omission itself (for the will of omitting stands to the omission as the interior act to the exterior, which adds no goodness or malice to the interior), so neither does the act which is the cause or occasion of the omission, since it is evil precisely inasmuch as it includes the will of omitting.

> *Ratio est, quia, sicut voluntas omittendi non est peccatum neque specie neque numero distinctum ab ipsa omissione (voluntas enim omittendi se habet ad omissionem, sicut actus interior ad exteriorem, qui interiori nihil bonitatis vel malitiae addit), ita nec actus qui est causa vel occasio omissionis, quippe qui in tantum est malus, in quantum includit voluntatem omittendi.*

14 It is confirmed. The omission and the act which is its cause or occasion are forbidden by the same precept, as has been said; for the law which commands hearing Mass, v. g., includes the negative precept forbidding the positing of an act impeding the hearing of Mass. Therefore both act and omission are against the same virtue of religion.

> *Confirmatur. Omissio et actus qui est causa vel occasio illius, eodem praecepto prohibentur, ut jam dictum est; lex enim quae praecipit audire sacrum, v. g., includit praeceptum negativum prohibens poni actum impeditivum auditionis sacri. Ergo tam actus quam omissio sunt contra eamdem virtutem religionis.*

15 **§ II.**

> *§ II.*

16 **At what time is the sin of omission made?**

> ***Quo tempore fiat peccatum omissionis?***

17 The question concerns the case in which someone, while the precept presses, is impotent to fulfill it, v. g., foreseeing in the morning the obligation of hearing Mass, made himself drunk. It is asked whether he sins with the sin of omission when he made himself drunk, or when the time of hearing Mass runs.

> *Quaestio est de casu quo quis, dum urget praeceptum, est impotens illud adimplere, v. g., mane praevidens obligationem audiendi missam, se inebriavit. Quaeritur an peccet peccato omissionis quando se inebriavit, an quando currit tempus audiendi missam.*

18 **I say** : The sin of omission is made at both times : inchoatively and as regards the affect, when the cause is posited; consummately and as regards the effect, when the time of fulfilling is present; provided however the omission remain voluntary in its cause.

> ***Dico** : Peccatum omissionis fit utroque tempore : inchoative et quoad affectum, quando ponitur causa; consummative et quoad effectum, quando adest tempus adimplendi; modo tamen omissio maneat voluntaria in sua causa.*

19 The first part is admitted by all, and is clear; because sin begins then, when the will of sinning begins. But he who voluntarily posits the cause of a culpable omission wills at least indirectly the culpable omission itself. Therefore.

> *Prima pars ab omnibus admittitur, et patet; quia tunc incipit peccatum, quando incipit voluntas peccandi. Atqui qui ponit voluntarie causam omissionis culpabilis, vult saltem indirecte ipsam omissionem culpabilem. Ergo.*

20 The second part is proved, 1° by overturning the foundation of the opposite opinion. The sin of omission consists in the voluntary privation of the act owed. But while the omission de facto occurs,

then there is given the privation of the act owed, and such privation is sufficiently voluntary to be sinful. Therefore. — The first part of the minor is evident. — The second is proved, concerning which is the difficulty. For anything to be sin in itself, it suffices that in its cause it be voluntary. But a contingent omission, v. g., in sleep or drunkenness, is voluntary in its cause; for we suppose that the sleep or drunkenness was freely posited. Therefore. — The major is proved, 1° by various examples. Thus nocturnal pollution, although not formally free and voluntary in itself, is a sin, because it is voluntary in its cause, namely by an impure thought or touch. Thus homicide perpetrated in drunkenness by him who foresaw it is sinful in itself, because it is voluntary in its cause, as St. Thomas teaches, IIa IIae, q. 150, a. 4, c. Thus acts of sin committed from vincible ignorance are sinful in themselves, although involuntary in themselves, namely unknown, but voluntary only in their cause, namely the ignorance. Therefore. 2° If for formal sin there were always required that it be voluntary in itself, and the voluntary in cause did not suffice, no homicide, no pollution — say the same of many others — would be a sin in itself; because while they de facto happen they are no longer in the power of the slayer or of the one polluting himself.

> *Probatur secunda pars, 1° evertendo fundamentum sententiae oppositae. Peccatum omissionis consistit in privatione voluntaria actus debiti. Atqui, dum de facto accidit omissio, tunc datur privatio actus debiti, talisque privatio est sufficienter voluntaria, ut sit peccaminosa. Ergo. — Prima pars minoris constat. — Probatur secunda, de qua est difficultas. Ut aliquid sit in se peccatum, sufficit quod in causa sua sit voluntarium. Atqui omissio contingens, v. g., in somno vel ebrietate, est in sua causa voluntaria; supponimus enim somnum vel ebrietatem fuisse libere posita. Ergo. — Prob. major, 1° variis exemplis. Sic pollutio nocturna, licet non sit in se formaliter libera et voluntaria, est peccatum, quia est voluntaria in causa, puta turpi cogitatione vel tactu. Sic homicidium in ebrietate perpetratum ab eo qui ipsum praeviderat, est in se peccaminosum, quia est voluntarium in causa, ut docet S. Thomas, 2^a 2^a, q. 150, a. 4, c. Sic actus peccati ex ignorantia vincibili sunt in se peccaminosi, licet in se involuntarii, utpote incogniti, sed tantum voluntarii in causa, nempe ignorantia. Ergo. 2° Si ad formale peccatum requireretur semper quod esset in se voluntarium, et non sufficeret voluntarium in causa, nullum homicidium, nulla pollutio, idem dic de pluribus aliis, foret in se peccatum; quia, dum de facto eveniunt, non sunt amplius in potestate occidentis aut se polluentis.*

21 2° The sin of omission consists in the voluntary cessation from the act owed. But before the time at which the obligation of the precept runs, the act is not owed. Therefore. As therefore, when one wishes to steal, before he takes what is another's, the completed sin of theft does not yet exist; so, when one wishes to omit, before he omits, the completed sin of omission does not yet exist.

> *2° Peccatum omissionis consistit in voluntaria cessatione ab actu debito. Atqui ante tempus quo currit obligatio praecepti, actus non est debitus. Ergo. Sicut itaque, quando quis vult furari, antequam auferat alienum, nondum est peccatum furti completum; ita, quando quis vult omittere, antequam omittat, nondum est peccatum omissionis completum.*

22 It is confirmed. An actual omission must be accused in confession, no otherwise than an exterior act, and thus runs the common practice of the faithful and of confessors. Therefore it is sinful.

> *Confirmatur. Omissio actualis debet accusari in confessione, non secus ac actus exterior, et ita fert praxis communis fidelium et confessariorum. Ergo est peccaminosa.*

23 *Obj.*: From our opinion it follows that a man in his sleep could merit and confect the sacraments, since no greater liberty is required for meriting and for confecting the sacraments than for sinning. But each is unfitting. Therefore.

Obj.: *Ex nostra sententia sequitur hominem in somno posse mereri, et sacramenta conficere, cum non requiratur major libertas ad merendum et ad conficiendum sacramenta, quam ad peccandum. Atqui utrumque est inconveniens. Ergo.*

24 *I answer.* to the first, that it is not unfitting for a man in his sleep to merit by continuation of merit compared to his vigilance, especially if the effect follow per se from the cause freely willed, or be formally intended, as appears in the martyr, who in the instant of death, while not master of himself, merits the aureole of martyrdom. We deny however that he can validly confect a sacrament, not through defect of sufficient liberty, but because Christ, according to the common sense of the Church, instituted and willed the sacraments to be confected by a man master of himself, and with due moral certitude concerning the matter, partly on account of the reverence of the sacrament, partly on account of the danger of many inconveniences which would otherwise arise. Add that the words of one sleeping are not formal words, through defect of signification, but material words, as in a parrot uttering them.

Resp. *ad primum, non esse inconveniens hominem in somno mereri continuatione meriti in vigilia comparati, maxime si effectus per se sequatur ex causa libere volita, aut formaliter intendatur, ut patet in martyre, qui in instanti mortis, dum non est sui compos, meretur aureolam martyrii. Negamus tamen posse valide conficere sacramentum, non defectu sufficientis libertatis, sed quia Christus, ex communi sensu Ecclesiae, instituit et voluit sacramenta confici ab homine sui compote, et cum morali certitudine debita materiae, tum propter reverentiam sacramenti, tum ob periculum multorum inconvenientium alioquin futurorum. Adde, verba dormientis non esse verba formalia, defectu significationis, sed verba materialia, ut in psittaco ea proferente.*

25 *You will ask* 1° whether there ought to be imputed to him who voluntarily and culpably posited the cause all the sinful omissions and commissions following from it.

Petes *1° an ei qui voluntarie et culpabiliter causam posuit, imputari debeant omnes omissiones et commissiones peccaminosae ex illa secutae.*

26 *I answer.* and let it be a general rule : To him who voluntarily and culpably posited the cause are imputed, as regards guilt and affect, all the sinful omissions and commissions which he foresaw, or ought and could humanly have foreseen to follow from such a cause; because by this very fact they are voluntary in their cause. But

Resp. *et sit regula generalis : Ei qui voluntarie et culpabiliter posuit causam, imputantur quoad reatum et affectum omnes omissiones et commissiones peccaminosae quas praevidit, aut debuit ac potuit humano modo praevidere secuturas ex tali causa; quia hoc ipso sunt ipsi voluntariae in causa. Sed*

27 *You will ask* 2° when one is held to have foreseen, or to have been able and bound humanly to foresee, sinful omissions and commissions, that they be imputed to him as fault.

Petes *2º quando quis censetur praevidisse, aut debuisse ac potuisse humano modo praevidere omissiones et commissiones peccaminosas, ut ipsi imputentur ad culpam.*

28 *I answer.* in several ways : 1° when they follow per se or usually from such a cause; 2° when one sees similar things happen in others of like complexion; 3° when the precepts to be fulfilled draw immediately near.

Resp. *multipliciter: 1° quando per se aut ut plurimum sequuntur ex tali causa; 2° quando quis videt in aliis aequalis complexionis similia contingere; 3° quando praecepta adimplenda proxime instant.*

29 Thence you will be able to gather various consequences for practice.

Hinc colligere poteris varia consectaria pro praxi.

On the Specific and Numerical Distinction of Sins

1 **DISSERTATION II**

DISSERTATIO II

2 **ON THE SPECIFIC AND NUMERICAL DISTINCTION OF SINS**

DE DISTINCTIONE SPECIFICA ET NUMERICA PECCATORUM

3 *St. Thomas, q. 72.*

D. Thomas, q. 72.

The various divisions of sin

1 Sin taken most generally is divided into original sin, which is derived from Adam to posterity through seminal propagation, and personal sin, which is committed by one's own will. Personal sin is subdivided into actual and habitual. Actual sin is an act or omission disconformable to the rules of morals; habitual sin is the stain left in the soul from actual sin. Of original and habitual sin specially below. Now of actual sin.

Peccatum generalissime sumptum dividitur in peccatum originale, quod ab Adamo ad posteros per seminalem propagationem derivatur, et personale, quod propria voluntate committitur. Personale subdividitur in actuale et habituale. Actuale est actus seu omissio difformis regulis morum; habituale est macula relicta in anima ex peccato actuali. De peccato originali et habituali specialiter infra. Nunc de peccato actuali.

2 Actual sin is divided: 1° into mortal and venial [1]. Mortal is said of that which inflicts death upon the soul, depriving it of sanctifying grace, which is the life of the soul in the supernatural order, and turning it simply away from the last end; whence it is, by its very nature, irreparable, and it induces the guilt of eternal punishment. Venial is said of that which, since it does not deprive one of grace and charity, but only diminishes their fervor, nor turns one simply away from the last end, but only retards its attainment, leaves the principle of life and grace; whence it is not irreparable by its nature, nor does it induce the guilt of eternal punishment, but of temporal punishment only. Of both also we shall treat specially below.

1 Here q. 72, a. 5, c.

Peccatum actuale dividitur: 1° in mortale et veniale [1]. Mortale dicitur quod mortem animae infert, eam privando gratia sanctificante, quae est vita animae in ordine supernaturali, et eam avertendo simpliciter ab ultimo fine; unde ex ipsa sua ratione est irreparabile, et inducit reatum poenae aeternae. Veniale dicitur quod, cum gratia et charitate non privet, sed ejus fervorem tantum diminuat, nec avertat simpliciter ab ultimo fine, sed ab ejus consecutione dumtaxat retardet, relinquit principium vitae et veniae; unde non est ex natura sua irreparabile, nec inducit reatum poenae aeternae, sed temporalis tantum. De utroque etiam specialiter infra agemus.

[1] Haec q. 72, a. 5, c.

3 2° Actual sin is divided into sin of commission and omission [1], of which we have already spoken. Sin of commission is an act disconformable to the rules of morals; it fights against a negative precept.

Sin of omission is the privation of an act owed; it fights against an affirmative precept.

[1] Ibid. a. 6, c.

> *2º Peccatum actuale dividitur in peccatum commissionis et omissionis [1], de quibus jam diximus. Peccatum commissionis est actus difformis regulis morum; pugnat cum praecepto negativo. Peccatum omissionis est privatio actus debiti; pugnat cum praecepto affirmativo.*
>
> *[1] Ibid. a. 6, c.*

[4] 3º Actual sin is divided into sin of heart, of mouth, and of deed [2]. Yet this division is not always into diverse sins, but sometimes into diverse degrees of the same sin.

[2] Ibid., a. 7, c.

> *3º Peccatum actuale dividitur in peccatum cordis, oris et operis [2]. Haec tamen divisio non est semper in diversa peccata, sed quandoque in diversos gradus ejusdem peccati.*
>
> *[2] Ibid., a. 7, c.*

[5] 4° It is divided into sin of weakness, which arises from vehement passion; sin of ignorance, which arises from vincible ignorance; and sin of malice, which is committed with full liberty and as it were deliberately, without passion or ignorance.

> *4° Dividitur in peccatum infirmitatis, quod oritur ex vehementi passione; peccatum ignorantiae, quod oritur ex ignorantia vincibili; et peccatum malitiae, quod cum plena libertate et quasi ex industria, sine passione aut ignorantia, committitur.*

[6] 5° Actual sin is one thing simply such, another against the Holy Spirit, which is sin from malice, whereby the special gifts of grace are repelled or assailed, which are effects of divine love, which is attributed to the Holy Spirit. Six are counted, namely: despair, presumption, impenitence, obstinacy, impugning of the truth known, and envy of fraternal grace.

> *5° Peccatum actuale, aliud simpliciter tale, aliud in Spiritum sanctum, quod est peccatum ex malitia, quo repelluntur aut impugnantur specialia gratiae dona quae sunt effectus divini amoris, qui tribuitur Spiritui sancto. Numerantur sex, scilicet: desperatio, praesumptio, impoenitentia, obstinatio, impugnatio veritatis agnitae et invidia fraternae gratiae.*

[7] 6° Others are capital sins, others arise from them. The capital sins are counted seven, from St. Greg., book XXXI *Moral.*, chapter 31, namely vainglory (some place pride), envy, avarice, anger, lust, gluttony, and sloth.

> *6° Alia sunt peccata capitalia, alia quae ex illis oriuntur. Capitalia numerantur septem, ex S. Greg., lib. XXXI* Moral.*, cap. 31, scilicet inanis gloria (quidam ponunt superbiam), invidia, avaritia, ira, luxuria, gula et acedia.*

[8] 7° Finally sin is one thing material, another formal, and this in a twofold sense: 1º Material sin is the evil act itself in itself and considered entitatively; formal, the very malice or deformity of that act or omission. 2º Formal sin is said to be the free transgression of the law imputable to the will; material, a transgression of the law not free, and therefore not imputable to the will, such as are transgressions of the law from invincible ignorance.

> *7° Tandem peccatum aliud dicitur materiale, aliud formale, et hoc duplici sensu: 1º Peccatum materiale est ipse actus malus secundum se et entitative consideratus; formale, ipsa malitia seu deformitas istius actus aut omissionis. 2º Peccatum formale dicitur libera transgressio legis voluntati imputabilis; materiale, transgressio legis non libera, et ideo nec voluntati imputabilis, ut sunt transgressiones legis ex ignorantia invincibili.*

Whence is the specific distinction of sins taken?

[1] As regards the sin of omission, since it is in itself a mere privation of the act due, it is certain that it is specifically distinguished by the acts themselves omitted specifically distinct in moral being; as all other privations are specifically distinguished by the opposite forms by which they deprive; namely in that manner in which privations can be distinguished. The question is therefore of the sin of commission.

> *Quantum ad peccatum omissionis, cum sit secundum se mera privatio actus debiti, certum est illud specie distingui per actus ipsos omissos specie distinctos in esse moris; sicut omnes aliae privationes specie distinguuntur per formas oppositas quibus privant; eo scilicet modo quo privationes possunt distingui. Quaestio est igitur de peccato commissionis.*

[2] **I say**: Sins are specifically distinguished by their order to objects specifically distinct in moral being [1]; because every act is specified by its object. Therefore an act morally evil is specified by an object morally evil.

[1] Ibid., a. 1, c.

> ***Dico** : Peccata specie distinguuntur per ordinem ad objecta specie distincta in esse moris [1]; quia omnis actus specificatur a suo objecto. Ergo actus moraliter malus specificatur ab objecto moraliter malo.*
>
> *[1] Ibid., a. 1, c.*

[3] *It is confirmed.* Every motion is specifically distinguished by order to the term to which. But, in sinful motion, the object is the term to which. Therefore.

> Confirmatur. *Omnis motus specie distinguitur per ordinem ad terminum ad quem. Atqui, in motu peccaminoso, objectum est terminus ad quem. Ergo.*

[4] This conclusion all Thomists hold with the Author, and many outsiders, even those among the Thomists who place the formal element of sin in the privative; because, they say, with diverse order to formally diverse objects standing, there follows diverse privation.

> *Hanc conclusionem tenent, cum Authore, omnes Thomistae et plures extranei, etiam illi ex Thomistis qui formale peccati reponunt in privativo; quia, inquiunt, stante diverso ordine ad objecta formaliter diversa, sequitur diversa privatio.*

[5] I said in the conclusion: « By order to objects specifically distinct in moral being; » because the specific distinction of objects in the order of being contributes nothing to the specific distinction of sins; for whether one steals a sheep or a horse, he commits a sin of the same species, namely of injustice. But

> *Dixi in conclusione : « Per ordinem ad objecta specie distincta in esse moris; » quia nihil confert ad distinctionem specificam peccatorum distincta species objectorum in esse entis; quod enim quis furetur ovem aut equum, peccatum ejusdem speciei, scilicet injustitiae, committit. Sed*

[6] The question is whence the object has that it be specifically distinguished in moral being.

> *Quaestio est unde objectum habeat quod specie distinguishatur in esse moris.*

[7] *I answer.* Generally speaking, objects are specifically distinguished in moral being when they have a special and distinct repugnance with the eternal law and right reason. Now they have a special and distinct repugnance or disconformity with the eternal law and right reason from a multiple head: 1° when they are opposed to different virtues; 2° when they are opposed to the same virtue, but in a

different way, as is evident in theft and robbery, which although they are opposed to the same virtue of justice, are nevertheless specifically distinguished, because they are opposed to it in a different way; 3° when they are opposed to different precepts, not materially and on the part of the principle or commander, but formally on the part of the thing commanded or intrinsic motive. Whence it can be said that sins are also distinguished specifically, namely radically and mediately, by the virtues and precepts to which they are opposed.

> Resp. *Generaliter loquendo, objecta specie in esse moris distinguuntur, quando habent specialem et distinctam repugnantiam cum lege aeterna et recta ratione. Habent autem specialem et distinctam repugnantiam seu difformitatem cum lege aeterna et recta ratione ex multiplici capite: 1° quando opponuntur diversis virtutibus; 2° quando opponuntur eidem virtuti, sed diverso modo, ut patet in furto et rapina, quae licet opponantur eidem virtuti justitiae, specie tamen distinguuntur, quia illi opponuntur diverso modo; 3º quando opponuntur diversis praeceptis, non materialiter et ex parte principii seu praecipientis diversis, sed formaliter ex parte rei praeceptae seu motivi intrinseci. Unde dici potest, peccata etiam distingui specie, scilicet radicaliter et mediate, a virtutibus et praeceptis quibus opponuntur.*

8 Conclusions

> ***Consectaria***

9 From what has been said you will infer 1° that one who omits Mass on a feast day falling on Sunday, or does not fast on an ember Wednesday falling on the vigil of St. Matthew, commits in each case one sin specifically and numerically, in the first case against religion, in the second against temperance, because both the precept of hearing Mass on Sunday and on a feast day, and both of fasting on ember days and on the vigil of St. Matthew, are of the same account on the part of end and intrinsic motive. For the end and intrinsic motive of hearing Mass on Sunday and a feast day is the honesty of religion, and of the precept of fasting on the ember days and the vigil of St. Matthew, the honesty of temperance. Nor does it matter that perhaps the legislator, in commanding Mass on the day of St. Matthew, or fasting on his vigil, intended to honor the saint; for that end or motive is extrinsic and of the agent, just as if in commanding a fast he intended rain, fair weather, or peace, which ends or extrinsic motives do not constitute precepts of different account. Say the same of one who violates the same vow or oath repeated several times, of omitting the canonical hours to which he is bound by title of benefice and sacred order.

> *Ex dictis inferes 1° omittentem sacrum die festo incidente in diem dominicam, aut non jejunantem feria quatuor temporum incidente in vigiliam S. Matthaei, in utroque casu unum specie et numero peccatum committere, in primo casu contra religionem, in secundo contra temperantiam, quia utrumque praeceptum audiendi missam die dominica et die festo, et utrumque jejunandi feria quatuor temporum et vigilia S. Matthaei sunt ejusdem rationis ex parte finis et motivi intrinseci. Nam finis et motivum intrinsecum audiendi missam die dominica et festo, est honestas religionis, praecepti vero jejunandi feria quatuor temporum et vigilia S. Matthaei, est honestas temperantiae. Nec refert quod forte legislator, praecipiendo sacrum die S. Matthaei, aut jejunium in ejus vigilia, intenderit honorare sanctum; iste namque finis vel motivum est extrinsecum et operantis, sicut si praecipiendo jejunium intenderet pluviam, serenitatem, aut pacem, qui fines sive motiva extrinseca non constituunt praecepta diversae rationis. Idem dic de violante idem votum seu juramentum pluries iteratum, de omittendo horas canonicas ad quas tenetur titulo beneficii et ordinis sacri.*

10 You will infer 2° on the contrary, that one who is bound by vow and the precept of his confessor to fast on the Friday of the ember days, if he does not fast, commits three sins specifically distinct: first, against temperance, by force of the ecclesiastical precept; second, against religion, by force of the vow; third, against the virtue of penance, by force of the precept of the confessor. For these three

obligations are from different intrinsic motives, and thus of distinct account; for the intrinsic motive of the ecclesiastical precept is temperance, of the vow is religion, of the precept of the confessor imposing a fast after sins heard, with attention to the nature of the work and the circumstances, is punishment and satisfaction for sins.

> *Inferes 2° e contra, eum qui tenetur ex voto et praecepto confessarii jejunare feria sexta quatuor temporum, si non jejunet, triplex peccatum specie distinctum committere : primum, contra temperantiam, vi praecepti ecclesiastici; secundum, contra religionem, vi voti; tertium, contra virtutem poenitentiae, vi praecepti confessarii. Hae enim tres obligationes sunt ex diversis motivis intrinsecis, sicque distinctae rationis; motivum enim intrinsecum praecepti ecclesiastici est temperantia, voti est religio, praecepti confessarii imponentis jejunium post audita peccata, attenta natura operis et attentis circumstantiis, est punitio et satisfactio pro peccatis.*

Whether sins of commission and of omission differ in species?

1 It is certain 1° that these sins, considered materially and in physical being, differ not only in species, but in genus [1]. For the sin of commission, materially considered, is a positive act deprived of rectitude; the sin of omission is the lack or privation of an act owed. But of act and non-act, of being and non-being, there is no univocal genus, that is, expressed by one and the same name in the same sense.

[1] Here q. 72, a. 6, c.

> *Certum est 1° haec peccata materialiter et in esse physico considerata, non solum specie, sed genere differre [1]. Peccatum enim commissionis materialiter consideratum, est actus positivus rectitudine privatus; peccatum omissionis est carentia seu privatio actus debiti. Ad actum autem et non actum, ad ens et non ens, non datur genus univocum, id est uno et eodem nomine in eodem sensu expressum.*
>
> *[1] Hic q. 72, a. 6, c.*

2 It is certain 2° that sins of commission and omission, even considered formally and in moral being, can be distinguished in species, if they are exercised about diverse matters; for it is evident that omission of hearing Mass is distinguished in moral species from theft.

> *Certum est 2° peccata commissionis et omissionis, etiam formaliter et in esse moris considerata, posse specie distingui, si circa diversas materias exerceantur; evidens est enim omissionem sacri specie morali distingui a furto.*

3 But the question is whether, if they are referred to the same object and proceed from the same motive, they are distinguished in species, as theft and non-restoration of a theft. Wherefore

> *Sed quaestio est an, si ad idem objectum referantur et ex eodem motivo procedant, specie distinguantur, ut furtum et non restitutio furti. Pro quo*

4 **I say**: Sins of omission and commission, considered in moral being, if they proceed about the same object from the same motive, are of the same species [2].

[2] Ibid.

> ***Dico** : Peccata omissionis et commissionis, in esse moris considerata, si circa idem objectum ex eodem motivo procedant, sunt ejusdem speciei [2].*
>
> *[2] Ibid.*

5 *It is proved.* 1°. Sins, like other human acts, have their species from the end. Therefore, if the sin of commission and of omission are ordered to the same end, or proceed from the same motive, they will

be of the same species: namely, if they are ordered to the same end of the work, they will be of the same essential species, as to seize another's goods and not restore them; if to the same end of the agent, they will be of the same accidental species, as to omit Mass and steal in order to commit adultery.

> Prob. *1º. Peccata, sicut caeteri actus humani, habent speciem a fine. Ergo, si peccatum commissionis et omissionis ordinentur ad eumdem finem, seu ex eodem motivo procedant, erunt ejusdem speciei : scilicet, si ordinentur ad eumdem finem operis, erunt ejusdem speciei essentialis, ut aliena rapere et non restituere; si ad eumdem finem operantis, erunt ejusdem speciei accidentalis, ut omittere missam et furari ad maechandum.*

6 *It is proved.* 2º. To do good and, from the same motive, to omit the opposite evil do not constitute distinct moral species, but are integral parts of the same justice, as St. Thomas teaches, II II°, q. 79, a. 1, c, according to that of *Psalm* XXXI, 15: *Decline from evil and do good*, « because both, says the holy Doctor, are required for the perfect act of justice. » But proportionally they stand thus: in the genus of evil, to do evil and, from the same motive, to omit the opposite good, stand as, in the genus of good, to do good and to omit evil. Therefore.

> Prob. *2º. Facere bonum et ex eodem motivo omittere malum oppositum, non constituunt distinctas species morales, sed sunt partes integrantes ejusdem justitiae, ut docet S. Thomas, 2 2°, q. 79, a. 1, c, juxta illud* Psal. *XXXI, 15:* Diverte a malo, et fac bonum*, « quia utrumque, ait S. Doctor, requiritur ad perfectum actum justitiae. » Atqui proportionaliter se habent, in genere mali, facere malum et ex eodem motivo omittere bonum oppositum, sicut, in genere boni, facere bonum et omittere malum. Ergo.*

7 *It is confirmed* by the example of motion. Although in motion recession from the term from which and access to the term to which involve two changes, namely from being to non-being, and from non-being to being, they nevertheless do not constitute diverse species of motion, but one, which is adequately constituted from both as from integral parts. But in the motion of sin, recession from good takes place through omission, access to evil through commission. Therefore.

> Confirmatur *exemplo motus. Licet, in motu, recessus a termino a quo et accessus ad terminum ad quem involvant duas mutationes, scilicet ab esse ad non esse, et a non esse ad esse, non tamen constituunt diversas species motus, sed unam, quae ex utroque adaequate constituitur tamquam ex partibus integralibus. Atqui, in motu peccati, recessus a bono fit per omissionem, accessus ad malum per commissionem. Ergo.*

8 From these you will rightly observe, according to the mind of St. Thomas, that sins of commission and omission are not said to be of the same species as two individuals, e.g., two men contracting the same human species, but because they stand as integral parts from which one species in the genus of morals is adequately constituted, in that proportional manner in which the integral parts of penance constitute one sacrament.

> *Ex quibus recte observabis, juxta mentem S. Thomae, peccata commissionis et omissionis non dici ejusdem speciei quasi duo individua, v. g., duo homines contrahentes eamdem speciem humanam, sed quia se habent ut partes integrales ex quibus una species in genere moris adaequate constituitur, eo proportionali modo quo partes integrantes poenitentiae, unum sacramentum.*

9 From what has been said you will infer that an act which is borne directly upon an omission, e.g.: « I will not hear Mass, » although it be a commission, belongs nevertheless to the sin of omission, and is of the same moral species with it.

Ex dictis inferes, actum qui directe fertur in omissionem, v. g. : « Volo non audire missam, » licet sit commissio, pertinere tamen ad peccatum omissionis, et esse ejusdem speciei moralis cum illa.

10 *You will ask* which sin is the graver, whether of commission or of omission.

Petes *quodnam peccatum sit gravius, an commissionis, an omissionis*.

11 *I answer.* Speaking per se and other things being equal, the sin of commission is the graver. For it is graver to hate God than, under pressure of a precept, not to love him; graver to afflict parents with insult than not to reverence them at the proper time.

Resp. *per se loquendo et caeteris paribus, peccatum commissionis esse gravius. Est enim gravius odisse Deum quam illum, urgente praecepto, non amare; gravius contumelia afficere parentes, quam eos tempore debito non revereri.*

Whence is the numerical distinction of sins taken?

1 **I say** 1°: The numerical distinction of sins is sought from the moral interruption of the acts of the will; because human acts have that they are sins from the act of the will. Whence St. Thomas, in II *Sentent.*, dist. 42, a. 1, says: « According to the unity of the will must be taken the judgment concerning the unity of what is said in the genus of morals. » Therefore, where the act of the will is diverse and morally interrupted, there is a distinct sin.

***Dico** 1°: Distinctio numerica peccatorum petitur ex interruptione morali actuum voluntatis; quia actus humani habent quod sint peccata ab actu voluntatis. Unde S. Thomas, in II* Sentent.*, dist. 42, a. 1, dicit : « Secundum unitatem voluntatis sumendum est judicium de unitate ejus quod in genere moris dicitur. » Ergo, ubi actus voluntatis est diversus et moraliter interruptus, est distinctum peccatum.*

2 The act of the will is then held to be morally interrupted when it perseveres neither formally nor virtually. Now it is held not to persevere formally or virtually from three headings: 1° When it is expressly revoked by a contrary act: as if anyone revoke his prior will of stealing, and immediately after it take it up again, there will be two sins numerically distinct; because these two volitions, although interpolated within the briefest time, are in no way connected with each other, nor can the second be called a continuation of the former formally and expressly revoked.

Tune censetur actus voluntatis moraliter interruptus, quando nec formaliter nec virtualiter perseverat. Censetur autem nec formaliter nec virtualiter perseverare ex triplici capite: 1° Quando per actum contrarium expresse revocatur: ut si quis voluntatem priorem furandi retractet, et statim post illam resumat, erunt duo peccata numero distincta; quia istae duae volitiones, licet brevissimo tempore interpolatae, nullo modo inter se connectuntur, nec secunda potest dici continuatio prioris formaliter et expresse revocatae.

3 2° By voluntary cessation from the act of the will: as if anyone, seeing a woman, take morose delight, and spontaneously abandon that delight by turning himself to other things, but immediately, seeing the same or another woman, again take morose delight, he sins twice, for the reason already given; because these two voluntary delights are in no way connected with each other, nor can the second be called a continuation of the first voluntarily interrupted and interpretatively revoked. In these two theologians sufficiently agree, but about the third they dispute. Therefore

2° Per cessationem voluntariam ab actu voluntatis : ut, si quis, visa muliere, morose delectetur, eamque delectationem sponte deserat, se convertendo ad alia, statim autem, visa eadem aut altera muliere, iterum morose delectetur, bis peccat, propter rationem jam datam; quia istae duae voluntariae delectationes in nullo inter se connectuntur, nec secunda potest

dici continuatio primae voluntariae interruptae et interpretative revocatae. In his duobus satis conveniunt theologi, sed de tertio disputant. Itaque

4 A third mode, according to which the same act of the will perseveres neither formally nor virtually, is assigned by several as involuntary cessation from the internal act of the will, for instance through natural distraction or forgetfulness, through sleep or drunkenness: because, say they, the act repeated after such an involuntary interruption is not continuous with the preceding, but diverse; but where acts are diverse, there are diverse sins.

Tertius modus, secundum quem nec formaliter nec virtualiter perseverat idem actus voluntatis, assignatur a pluribus involuntaria cessatio ab actu interno voluntatis, puta per naturalem distractionem aut oblivionem, per somnum aut ebrietatem : quia, inquiunt, actus iteratus, post talem interruptionem involuntariam, non est continuatus cum praecedenti, sed diversus; ubi autem sunt diversi actus, sunt diversa peccata.

5 I judge this true of sins merely internal, that is, which are consummated in the will itself, and do not tend efficaciously to external acts, such as heresy, hatred, envy, velleities, complacency, morose delights, etc.; for as often as they are repeated after cessation, even involuntary, so often are they perfectly consummated; nor does the prior act imply order to the second, nor are they in any way connected, continued, or dependent upon one another.

Id verum existimo de peccatis mere internis, id est quae in ipsa voluntate consummantur, nec ad actus externos efficaciter tendunt, ut sunt haeresis, odium, invidia, velleitates, complacentia, delectationes morosae, etc. ; quoties enim iterantur post cessationem, etiam involuntariam, toties perfecte consummantur, nec prior actus dicit ordinem ad secundum, nec in aliquo connectuntur, aut continuantur, aut ab invicem dependent.

6 It is otherwise with internal acts tending efficaciously to an external work, at least when these reiterated acts of the will are connected with some external effect of the prior act: as if, from the purpose of killing your enemy, you hold a dagger ready, or lay snares, or set out on the way to seek him, etc. These or similar effects standing, although you often repeat the bad will, now thinking of it, now voluntarily thinking of other things or doing them, you commit not several sins but continue the first; because the prior act morally perseveres in the external effect placed by its force, and in it as in a bond all the following are connected with the prior.

Secus de actibus internis efficaciter tendentibus ad opus externum, saltem quando isti actus voluntatis iterati in aliquo effectu externo prioris actus connectuntur : ut si, ex proposito occidendi inimicum, teneas pugionem paratum, vel struas insidias, aut si viam aggrediaris ad illum quaerendum, etc. Stantibus his aut similibus effectibus, licet saepe malam voluntatem iteres, nunc de illa, nunc de aliis etiam voluntarie cogitando, aut alia agendo, non committis plura peccata, sed primum continuas; quia prior actus perseverat moraliter in effectu externo vi illius posito, et in eo quasi in vinculo omnes alii sequentes cum priori connectuntur.

7 I said: « At least when these reiterated acts of the will are connected with some external effect; » because many, not improbably, hold the same even if they are not connected with any external effect, as if you now firmly propose to kill your enemy, or to fornicate tomorrow, and waking in the morning renew this proposal, and as often as you reflect upon it you persist in it — they hold it one sin; because the prior act has been neither consummated nor voluntarily revoked, but perseveres, and by its force the second and following are elicited, which are held a continuation of the prior.

Dixi : « Saltem quando isti actus voluntatis iterati in aliquo effectu externo connectuntur; » quia multi idem non improbabiliter censent, etiamsi in aliquo effectu externo non connectuntur, ut si nunc firmiter proponas occidere

inimicum, aut fornicari cras, et mane expergefactus renovas hoc propositum, et toties quoties ad illud reflectis, in eo persistis, censent unum peccatum; quia prior actus non est consummatus nec voluntarie revocatus, sed perseverat et vi illius elicitur secundus et sequentes, qui censentur prioris continuatio.

8 **I say** 2° : The will remaining the same, indeed also the same external act, sins are multiplied numerically from objects numerically distinct in moral being. But objects are held to be numerically distinguished in moral being when they do not stand toward each other morally after the manner of one thing, either because one is not part of the other, or because they are not parts integrating some one whole, or because they are not ordered to the same end and the same work to be consummated; for then, although there be one act physically, it is nevertheless held in the genus of morals virtually multiple, and to have as many malices numerically distinct as there are objects of this kind.

***Dico** 2° : Eadem manente voluntate, imo et eodem actu externo, multipliciantur numerice peccata ex objectis numerice distinctis in esse moris. Censentur autem objecta numerice distingui in esse moris, quando non se habent moraliter per modum unius, sive quia unum non est pars alterius, sive quia non sunt partes aliquod unum integrantes, sive quia non ordinantur ad eumdem finem et idem opus consummandum ; tunc enim, licet sit unus actus physice, censetur tamen in genere moris virtualiter multiplex, et tot habere malitias numero distinctas, quot sunt hujusmodi objecta.*

9 The reason is, because, as sins are multiplied and distinguished in species by objects distinct in species, so are they multiplied and distinguished in number by objects numerically distinct. Hence he who with one and the same bad will wills to kill, or de facto kills, three men, whether by one act or by several immediately succeeding, commits three sins numerically distinct; because since three men do not stand morally after the manner of one thing, they are three objects numerically distinct.

Ratio est, quia, sicut peccata multiplicantur et distinguuntur specie per objecta specie distincta, ita multiplicantur et distinguuntur numero per objecta numerice distincta. Hinc qui una et eadem mala voluntate vult occidere aut de facto occidit tres homines, sive uno actu, sive pluribus immediate succedentibus, tria peccata numero distincta committit; quia cum tres homines non se habeant moraliter per modum unius, sunt tria objecta numero distincta.

10 *You will say* : He who steals in one act a flock of sheep commits one sin, not as many as there are sheep. Therefore also he who kills many men in one act.

Dices *: Qui furatur uno actu ovium gregem, unum peccatum committit, non quot sunt oves. Ergo et qui uno actu occidit multos homines.*

11 *I answer. I deny* the consequence. The disparity is that all the sheep of the flock stand after the manner of one thing, since they have no distinct rights which are violated, nor therefore are capable of distinct and peculiar injury. But three men, even if of the same family, do not stand after the manner of one thing, but each has his own distinct right which is violated, and thence is capable of particular and distinct injury. Nor does it matter that a family is reputed one person by a fiction of law. It is indeed so feigned, but so it is not, especially with respect to injury.

Resp. *Nego consequentiam. Disparitas est quod omnes oves gregis se habeant per modum unius, cum non habeant jura distincta quae violentur, nec ideo sint capaces distinctae et peculiaris injuriae. At vero tres homines, etiamsi sint ex eadem familia, non se habent per modum unius, sed unusquisque habet jus suum distinctum quod violatur, indeque est capax particularis et distinctae injuriae. Neque refert quod familia ex fictione juris reputetur una persona. Ita quidem fingitur, sed ita non est, praesertim respective ad injuriam.*

12 By which reason I judge it more probable that, if the flock belonged to three men, there would be three sins: although not a few deny this; because, say they, all the sheep are morally one whole, which is the proximate object of theft.

> *Qua ratione probabilius existimo quod, si grex pertineret ad tres homines, forent tria peccata : quamvis id negent non pauci; quia, inquiunt, omnes oves sunt moraliter unum totum, quod est objectum proximum furti.*

13 **Consequences**

> ***Consectaria***

14 From what has been said you will gather 1° that he who sets out from home with the will of stealing carries the ladder, climbs up, opens the chest, takes away the money, whether all at once or successively by portions; likewise he who with mind of fornicating seeks the girl, kisses her, looks at her, touches her impudently, and at last fornicates; likewise he who from the purpose of killing his enemy prepares dagger or gun, meets his enemy, provokes him, strikes, wounds, kills him: these men, I say, and others in similar cases, even if amid these preliminaries they repeat their evil will of stealing, fornicating, killing a hundred times, commit only one sin; because these reiterated wills are connected with the first in the effects, and those preceding effects are ordered to the theft, fornication, homicide, as to one end, and therefore are had after the manner of one thing, and are understood in the accusation of the completed work, so that it suffices to say in confession : « I have committed fornication, I have committed murder, etc. » Otherwise however, if means were employed toward those ends which would have special malice, as if one used magic arts to steal, love philters to fornicate, etc. It must be observed too that, if the impudicities preceding copula be done without intention of copula, although afterwards, the intention being changed, copula follow, they are distinct sins and to be accused separately, since then they are not united after the manner of one thing in the intended end; for the intention of copula set aside, they do not of themselves tend more toward fornication than toward pollution or sodomitical copula. Say the same, if they were done indeed from intention of copula, but which, some cause intervening, would not be perfected.

> *Ex dictis colliges 1° eum qui ex voluntate furandi proficiscitur domo, defert scalam, ascendit, aperit cistam, aufert pecunias, sive omnes simul, sive successive per partes; item qui animo fornicandi quaerit puellam, eam osculatur, aspicit, tangit impudice, et tandem fornicatur; item qui ex proposito occidendi inimicum, aptat pugionem vel sclopum, occurrit inimico, ipsum provocat, ferit, laedit, occidit : hos, inquam, et alios in similibus casibus, etiamsi inter haec praeambula malam voluntatem furandi, fornicandi, occidendi, centies iterent, non nisi unum peccatum committere; quia istae voluntates iterata connectuntur in effectibus cum prima, et isti effectus praevii ordinantur ad furtum, fornicationem, homicidium, tamquam ad unum finem, ideoque habentur per modum unius, et intelliguntur in accusatione operis completi, ita ut sufficiat dicere in confessione : « Fornicatus sum, feci homicidium, etc. » Secus tamen, si adhiberentur media ad istos fines quae specialem haberent malitiam, ut si uteretur arte magica ad furandum, philtris ad fornicandum, etc. Observandum etiam quod, si impudicitiae praecurrentes copulam fiant sine intentione copulae, licet postea, mutata intentione, sequatur copula, sint distincta peccata et seorsim accusanda, cum tune non uniantur per modum unius in fine intento; seclusa enim intentione copulae, non magis ex se tendunt ad fornicationem quam ad pollutionem aut copulam sodomiticam. Idem dic, si fierent quidem ex intentione copulae, sed quae ex aliqua causa interveniente non perficeretur.*

15 But whether the same must be said of impudicities, namely complacency, morose delight, touches, looks and kisses immediately following copula, and of the dispositions toward it, is doubtful. Some affirm, because they say they are appendages of copula which connaturally and regularly follow it. Others deny, because they hold they are dispositions toward another copula. Moreover, as to practice,

if it be true, as the first opinion says, that those impudicities regularly follow toward copula, I do not see why it should be necessary to confess them distinctly, since on this hypothesis they are sufficiently understood by the confessor in the accusation of the copula.

> *Utrum autem idem dicendum sit de impudicitiis, scilicet complacentia, delectatione morosa, tactibus, aspectibus et osculis immediate sequentibus copulam, ac de dispositionibus ad illam, dubium est. Quidam affirmant, quia dicunt esse appendices copulae quae illam connaturaliter et regulariter sequuntur. Alii negant, quia censent esse dispositiones ad aliam copulam. Ceterum, quantum ad praxim, si verum sit quod dicit prima sententia, eas impudicitias regulariter sequi ad copulam, non video cur necesse sit eas distincte confiteri, cum in hac hypothesi sufficienter intelligantur a confessario in accusatione copulae.*

16 You will gather 2° that he who, the same bad will remaining, during the same motion of concupiscence or hatred, pollutes himself thrice, fornicates thrice with the same woman or with several, kills three men successively, commits three sins; because three pollutions, three fornications, three homicides do not stand morally after the manner of one thing, but are three total actions complete in themselves, nor unifiable by their nature in some third in which they would be perfected and consummated.

> *Colliges 2° eum qui, eadem mala voluntate permanente, eodem motu concupiscentiae aut odii durante, se ter polluit, ter fornicatur cum eadem aut pluribus, tres homines successive occidit, committere tria peccata; quia tres pollutiones, tres fornicationes, tria homicidia non se habent moraliter per modum unius, sed sunt tres actiones totales in se completae, nec unibiles ex natura sua in uno tertio in quo perficiantur et compleantur.*

17 Nor does the unity of the will stand in the way; for although it be one physically, it is morally multiple numerically, just as it would be multiple in species if in these acts there were objects specifically distinct, for instance if he fornicated once with his mother, afterwards with a married woman, then with a nun; or if among the slain were counted a father or a cleric. In all cases, notwithstanding its physical unity, it is morally multiple in species; so in our case it is morally multiple in number.

> *Neque obstat unitas voluntatis; quamvis enim sit una physice, est moraliter multiplex numero, sicut esset multiplex species, si in his actibus forent objecta specie distincta, puta si fornicaretur semel cum matre, postea cum conjugata, deinde cum moniali; aut si inter occisos numeretur pater aut clericus. In omnibus casibus, non obstante ejus unitate physica, est moraliter multiplex specie, ita in nostro casu est moraliter multiplex numero.*

18 For the same reason, he who with one continued intention of stealing, twenty times with moral interruption, should filch twenty thousand florins, would sin mortally twenty times; because the individual thefts do not stand morally after the manner of one thing, since of themselves they are not ordered to each other, but each separately is a consummation of the internal will. So at least common sense apprehends.

> *Eadem ratione, qui una intentione continuata furandi, vigesies cum morali interruptione surriperet viginti millia florenorum, vigesies peccaret mortaliter; quia singula furta non se habent moraliter per modum unius, cum ex se ad invicem non ordinentur, sed unumquodque seorsim est consummatio internae voluntatis. Sic saltem apprehendit sensus communis.*

19 Likewise a priest existing in mortal sin commits, more probably, as many sins as he absolves penitents without interruption; because each absolution is a total action and complete judgment, joined by no nexus with other absolutions and judgments. Say the same of him who baptizes several

successively, for the same reason: otherwise, at least more probably to us, if with the same continued action he administer communion to several; because it seems to be the administration of one banquet, and therefore morally one action. Likewise a priest celebrating in mortal sin seems to commit only one sin; because, although the oblation, consecration and communion are actions physically distinct, they nevertheless constitute one mystery in which they are united.

Similiter sacerdos in malo statu existens, probabilius tot peccata committit, quot non interrupte absolvit poenitentes ; quia quaelibet absolutio est actio totalis et judicium completum, nullo nexu cum aliis absolutionibus et judiciis conjunctum. Idem dic de baptizante plures successive, propter eamdem rationem : secus, saltem nobis probabilius, si eadem continuata actione pluribus communionem administret ; quia videtur administratio unius convivii, adeoque una moraliter actio. Similiter sacerdos celebrans in malo statu videtur unum tantum peccatum committere; quia, licet oblatio, consecratio et communio sint actiones physice distinctae, constituunt tamen unum mysterium in quo uniuntur.

20 You will gather 3° that he who with one continued motion of concupiscence acts impudently with a girl, often, though with some interruption, kissing her, touching her, etc., commits one sin; likewise he who with one rush of anger strikes his enemy several times, blasphemies several times, hurls several insults of the same kind at him, for instance calling him three or four times a thief, commits even so one sin, so that it suffices to say in confession : « Once I acted impudently by touches and kisses with a girl, once I blasphemed, once I quarreled with my companion, when I called him thief, when I struck him; » because these acts, notwithstanding physical interruption, are held, according to the common sense of men, one action, one conversation, one quarrel, one speech, as one eating is held while one successively eats several courses. Nor is the reason the same of these as of several fornications, pollutions, or killings, of which in the preceding corollary; for the disparity is that several killings, several fornications or pollutions are total actions complete in themselves, having a definite term in which they are consummated, so that they cannot be unified in some third in which they are consummated, and consequently neither among themselves. But those several acts here in question, namely several touches, several blows, etc., are not total and consummated actions, but apt of themselves to make one with one consummated external act, in which they are unifiable, and therefore unifiable among themselves, like the eatings of several dishes. So at least the common sense of men apprehends, which ought especially to be attended to as regards the multiplication or numerical unity of sins.

Colliges 3° eum qui uno continuato concupiscentiae motu agit impudice cum puella, eam saepe, etsi cum aliqua interruptione, osculando, tangendo, etc., unum peccatum committere; similiter eum qui uno impetu irae pluries ferit inimicum, pluries blasphemat, plura convicia ejusdem rationis in eum conjicit, puta vocando eum ter quater furem, etiam unum peccatum committere, ita ut sufficiat dicere in confessione : « Semel impudice egi per tactus et oscula cum puella, semel blasphemavi, semel rixatus sum cum socio, cum vocavi furem, cum percussi; quia hi actus, non obstante physica eorum interruptione, secundum communem sensum hominum censentur una actio, una conversatio, una rixa, una locutio, sicut censetur una comestio, dum quis successive plures dapes comedit. Neque eadem est ratio de illis ac de pluribus fornicationibus, aut pollutionibus, aut occisionibus, de quibus corollario praecedenti; disparitas est enim quod plures occisiones, plures fornicationes aut pollutiones, sint actiones totales in seipsis completae, habentes definitum terminum in quo consummantur, ita ut non sint unibiles in aliquo tertio in quo consummantur, adeoque nec inter se. At vero illi plures actus de quibus hic est quaestio, scilicet plures tactus, plures percussiones, etc., non sunt actiones totales et consummatae, sed ex se aptae facere unum cum uno actu externo consummato, in quo sunt unibiles, et ideo inter se unibiles, sicut plurium ferculorum comestiones. Ita saltem apprehendit sensus communis hominum, qui maxime debet attendi quantum ad multiplicationem vel unitatem numericam peccatorum.

21 But whether, if one quarreling assail another with injuries of distinct kind, calling him now thief, now adulterer, now sorcerer, etc., he commit several sins? A distinction must be made: If these diverse insults are held

Utrum, si rixans afficiat alterum injuriis distinctae rationis, ipsum appellans, modo furem, modo adulterum, modo sortiarium, etc., committat plura peccata? Distinguendum est : Si haec diversa convicia tam ab aggrediente quam ab aggresso et circumstantibus habeantur

On the Comparison of Sins with One Another

1 false, and if taken only as the effect of an angry mind belching forth indifferently whatever occurs, as often happens among quarreling women, they seem to be one sin, since there is no injury of honor or of fame, but each insult, though different, tends to this, that it irritate and offend the other. But if these are reckoned to be true and are truly imputed, there will be as many sins as there are insults of different kinds.

falsa, et dumtaxat ut effectus irati animi quidquid occurrat indifferenter eructantis, ut saepe contingit inter mulierculas rixantes, videntur esse unum peccatum, cum nulla sit honoris vel famae laesio, sed quodlibet convicium, licet diversum, in hoc tendat, ut alterum irritet et offendat. Si vero haec reputentur vera et vere imputari, tot erunt peccata, quod erunt convicia diversae rationis.

Whether all sins are connected with one another, and equal?

1 **I say** 1°: All sins are not interconnected[1].

1 Here q. 73, a. 1, o.

***Dico** 1° : Omnia peccata non sunt inter se connexa[1].*

1 Hic q. 73, a. 1, o.

2 *It is proved.* Such is the difference between the intention of the agent according to virtue, and the intention of the sinner, that the intention of the agent according to virtue is that he follow the rule of reason, and therefore the intention of all virtues tends unto the same thing, and on this account all virtues, at least in the perfect state, hold connection with one another in the right reason of things to be done, which is prudence; but the intention of the sinner is not unto this, that he depart from what is according to reason, but rather that he tend toward some desirable good from which it takes its species. But goods of this kind, toward which the intention of the sinner tends and by which it is specified, are diverse, holding no connection with one another, nay sometimes contrary among themselves: as prodigality and avarice, timidity and daring, intemperance and insensibility, etc. *Therefore.*

Probatur. *Ea est differentia inter intentionem agentis secundum virtutem, et intentionem peccantis, quod intentio agentis secundum virtutem sit, ut rationis regulam sequatur, et ideo omnium virtutum intentio in idem tendit, et propter hoc omnes virtutes, saltem in statu perfecto, habent connexionem ad invicem in ratione recta agibilium, quae est prudentia; intentio vero peccantis non est ad hoc quod recedat ab eo quod est secundum rationem, sed potius quod tendat in aliquod bonum appetibile a quo speciem sortitur. Atqui hujusmodi bona in quae tendit intentio peccantis et a quibus specificatur, sunt diversa, nullam connexionem habentia ad invicem, imo quandoque inter se contraria : ut prodigalitas et avaritia, timiditas et audacia, intemperantia et insensibilitas, etc.* Ergo.

3 *You will say*: In *Jacob.*, II, 10 it is said: Whosoever shall keep the whole law, but offend in one point, is become guilty of all. But to be guilty of all sins and to have all sins is the same. *Therefore*.[2]

2 Ibid., in arg. *Sed contra*.

> Dices : Jacob., *II, 10, dicitur : Quicumque totam legem servaverit, offendat autem in uno, factus est omnium reus. Sed idem est esse reum omnium peccatorum, et habere omnia peccata.* Ergo.[2]
>
> [2] *Ibid., in arg.* Sed contra.

4 *I answer.* The Apostle speaks of sin on the part of aversion, and his sense is that he who commits one mortal sin turns away from God, despises him and incurs guilt of eternal punishment, which are common to all mortal sins.

> Resp. *Apostolum loqui de peccato ex parte aversionis, et sensum ejus esse quod qui committit unum peccatum mortale, avertitur a Deo, ipsum contemnat et incurrat reatum poenae aeternae, quae sunt communia omnibus peccatis mortalibus.*

5 **I say** 2° against the Stoics: Not all sins are equal[1].

1 Ibid., a. 2, o.

> ***Dico*** *2° contra Stoicos : Omnia peccata non sunt paria*[1].
>
> [1] *Ibid., a. 2, o.*

6 The conclusion is of faith expressly [set forth] in various places of Scripture[3].

3 Ibid., o.

> *Conclusio est de fide expressa in variis Scripturae locis*[3].
>
> [3] *Ibid., o.*

7 In *Joann.*, XIX, 11 Christ says to Pilate: He that delivered me to thee hath the greater sin. *Jerem.*, VII, 26: They have done worse than their fathers. *Thren.*, IV, 6: The iniquity of the daughter of my people is made greater than the sin of Sodom. And elsewhere.

> Joann., *XIX, 11, Christus dicit Pilato : Qui me tradidit tibi, majus peccatum habet.* Jerem., *VII, 26 : Pejus operati sunt, quam patres eorum.* Thren., *IV, 6 : Major effecta est iniquitas filiae populi mei, peccato Sodomorum. Et alibi.*

8 Whence Hieron., lib. II cont. Jovin., c. 16: « There are light sins, he says, there are grave: it is one thing to owe ten thousand talents, another a farthing. »

> *Unde Hieron., lib. II cont. Jovin., c. 16 : « Sunt peccata levia, inquit, sunt gravia : aliud est decem millia talenta debere, aliud quadrantem. »*

9 *Proof* by reason. Sins take their species from objects, as appears from the preceding. But not all the objects of sins are equal, as is evident per se. *Therefore*.

> Prob. *ratione. Peccata speciem sortiuntur ab objectis, ut patet ex superioribus. Atqui non omnia peccatorum objecta sunt paria, ut per se constat.* Ergo.

10 The other proof lies in the fundamental confutation of the Stoics, whereof presently in the reply to the objection.

> *Altera probatio sita est in confutatione fundamentali Stoicorum, de qua modo in responsione ad objectionem.*

11 Whence

> *Unde*

12 *Obj*. with the Stoics: Sin is privation. But privation consists in the indivisible, nor does it admit more and less, as appears in darkness, death, blindness, etc. *Therefore*.

> Obj. *cum Stoicis : Peccatum est privatio. Atqui privatio consistit in indivisibili, nec suscipit majus et minus, ut patet in tenebris, morte, caecitate, etc.* Ergo.

13 *I answer.* 1° sin is not pure privation, but an act deprived of due order; and it is specified not on the part of the privation, but on the part of the act, as St. Thomas taught in question 72 preceding, and we with him and all Thomists, even those who place the formal [element] of sin in the privative.

> Resp. *1° peccatum non esse puram privationem, sed actum debito ordine privatum, illudque specificari, non ex parte privationis, sed ex parte actus, ut docuit S. Thomas quaest. 72 praeced., et nos cum ipso et omnibus Thomistis, etiam iis qui formale peccati reponunt in privativo.*

14 But grant that sin be pure privation,

> *Sed esto, peccatum sit privatio pura,*

15 *I answer.* 2° I *distinguish* the major. Sin is privation in a certain respect and in becoming, *I concede* the major; privation simply and in completed being, *I deny* the major. Similarly I distinguish the major. Privation simply and in completed being admits not more and less, *I concede* the minor; privation in a certain respect and in becoming, *I deny* the minor. There is therefore a twofold privation: one simple and in completed being, which leaves nothing of the opposite, as death and darkness; another in a certain respect and in becoming, which does not wholly take away the form of the opposite, and consequently has breadth so much greater or less, as it takes away more or less of the form opposed. As sickness, which is privation of health, admits more and less, because it does not take away totally the form opposed; for it leaves life, which is the root of health. But sin is thus privation in becoming, because it does not take away totally the form opposed; for it leaves reason and the natural inclination unto the honest good, which is the root of formal rectitude.

> Resp. *2º* Dist. *maj. Peccatum est privatio secundum quid et in fieri,* conc. *maj.; privatio simpliciter et in facto esse,* nego *maj. Similiter dist. maj. Privatio simpliciter et in facto esse non suscipit majus et minus,* conc. *min.; privatio secundum quid et in fieri,* nego *min. Duplex itaque est privatio : una simplex et in facto esse, quae nihil relinquit de opposito, ut mors et tenebrae; alia secundum quid et in fieri, quae non totaliter tollit formam oppositam, subindeque habet latitudinem tanto majorem vel minorem, quanto magis vel minus tollit de forma opposita. Sicut aegritudo, quae est privatio sanitatis, admittit majus et minus, quia non tollit totaliter formam oppositam; relinquit enim vitam, quae est radix sanitatis. Peccatum autem sic est privatio in fieri, quia non tollit totaliter formam oppositam; relinquit enim rationem et inclinationem naturalem ad bonum honestum, quae est radix rectitudinis formalis.*

16 *You will insist*: Sin takes away totally the form opposed; thus e.g. in the act of lust nothing remains of the rectitude of temperance. *Therefore*.

> Inst. *Peccatum totaliter tollit formam oppositam; sic, v. g., in actu luxuriae nihil remanet de rectitudine temperantiae.* Ergo.

17 *I answer.* I distinguish the antecedent. Sin takes away totally the immediately opposed form, *I concede*; mediately opposed, *I deny*. Granted therefore that sin takes away totally the formal rectitude

to which it is immediately opposed, nevertheless it takes away not totally its root, namely the practical principles of good, synderesis, the inclination of reason unto the honest good, but only strives against it and tends against it; and therefore the more it strives against and tends against it, the graver is the sin; as, although sickness takes away health totally in the infirm part, since however it takes not away life, but only tends toward and disposes unto its destruction, therefore it admits more and less, and the graver it is, the more it disposes unto death.

> Resp. Dist. *ant. Peccatum totaliter tollit formam immediate oppositam,* conc.*; mediate oppositam,* nego. *Dato itaque quod peccatum totaliter tollat rectitudinem formalem cui immediate opponitur, non tamen totaliter tollit radicem ejus, scilicet principia practica boni, synderesim, inclinationem rationis ad bonum honestum, sed tantum contra eam conatur et tendit; et ideo quo magis contra eam conatur et tendit, eo gravius est peccatum; sicut, licet aegritudo totaliter tollat sanitatem in parte infirma, quia tamen non tollit vitam, sed tantum ad ejus destructionem tendit et disponit, ideo suscipit majus et minus, et eo gravior est, quo magis disponit ad mortem.*

Whence is the inequality of sins taken?

1 **I say** 1°: The quantity or essential inequality of sins is derived from the object in point of gravity[1].

1 Here q. 73, a. 3, o.

> ***Dico** 1° : Quantitas seu inaequalitas essentialis peccatorum in gravitate desumitur ex objecto*[1].
>
> [1] *Hic q. 73, a. 3, o.*

2 *It is proved.* Thence is sought the essential quantity or gravity of sin, whence its species is sought[2]. But the species of sin is derived from the object, as we said in the places soon to be cited. *Therefore.*

2 Ibid., in arg. *Sed contra*.

> Probatur. *Inde petitur essentialis quantitas seu gravitas peccati, unde petitur ejus species*[2]*. Atqui species peccati desumitur ex objecto, ut diximus locis mox citatis.* Ergo.
>
> [2] *Ibid., in arg.* Sed contra.

3 **I say** 2°: The essential inequality of sins is also sought per se and caeteris paribus from the virtues to which they are opposed[3]; so that that sin is the more grave which is directly and principally opposed to the nobler virtue.

3 Ibid., a. 4, o.

> ***Dico** 2° : Inaequalitas essentialis peccatorum petitur etiam per se et caeteris paribus ex virtutibus quibus opponentur*[3]*; ita ut eo gravius sit peccatum, quo opponitur directe et principaliter nobiliori virtuti.*
>
> [3] *Ibid., a. 4, o.*

4 This conclusion follows from the preceding; because, the nobler the virtue against which a sin is opposed, the more excellent is the object about which it is concerned. But it was said in the preceding conclusion that the essential gravity of sins is derived from the object. *Therefore.*

> *Haec conclusio sequitur ex praecedenti; quia, quo peccatum opponitur nobiliori virtuti, eo praestantius est objectum circa quod versatur. Dictum est autem in conclusione praecedenti, gravitatem essentialem peccatorum desumi ex objecto.* Ergo.

5 Understand both these conclusions 1° per se, because per accidens a sin whose object is more grave and is opposed to a nobler virtue can, by reason of the imperfection of the act or the lightness of the

matter, be venial; and another whose object is less grave and is opposed to a lesser virtue, mortal. 2º Understand it caeteris paribus, so that the vices between which the comparison is made are concerned with the primary object of the virtue to which they are opposed; so that, if a supreme vice is opposed on one side to the supreme virtue, so also on the other: for want of which, hatred of one's neighbor, for example, although opposed to charity, the most noble of virtues, is nevertheless not the most grave of sins, because it is not opposed to the primary object of charity, which is God.

> *Hanc utramque conclusionem intellige 1º per se, quia per accidens peccatum cujus objectum est gravius, et opponitur nobilibri virtuti, ratione imperfectionis actus aut levitatis materiae potest esse veniale, et aliud cujus objectum est minus grave et opponitur minori virtuti, esse mortale. 2º Intellige caeteris paribus, ita ut vitia inter quae fit comparatio versentur circa objectum primarium virtutis cui opponuntur, ita ut, si summae virtuti ex una parte opponatur summum vitium, ita ex altera parte : cujus defectu, odium proximi, v. g., licet charitati, nobilissimae virtuti, opponatur, non est tamen gravissimum peccatum, quia non opponitur objecto primario charitatis, quod est Deus.*

6 **I say** 3°: The gravity of sin is also sought from the circumstances[4]; because each thing is apt to be increased by that from which

4 Ibid., a. 7, o.

> ***Dico** 3° : Gravitas peccati petitur etiam ex circumstantiis[4]; quia unumquodque natum est augeri ex quo*
>
> *4 Ibid., a. 7, o.*

On the Subject of Sin

1 is caused. But sin is caused from a defect or inordination of some circumstance. Essential gravity is sought from circumstances that change the species, because they pass into the nature of the object; accidental gravity from circumstances that do not change the species.

> *causatur. Peccatum autem causatur ex defectu seu inordinatione alicujus circumstantiae. Gravitas essentialis petitur ex circumstantiis mutantibus speciem, quia transeunt in rationem objecti; accidentalis ex circumstantiis non mutantibus speciem.*

2 **I say** 4° : Carnal sins of themselves and other things being equal are less than spiritual sins[1]; because the more grievous the impulse to sin, the less is the sin. Now carnal sins have a more vehement impulse, namely the concupiscence of the flesh innate in us. They are nevertheless of greater infamy, because they are concerned with pleasures common to us and to brutes, and of greater adherence, because they have more of conversion to a changeable good, or to the creature.

1 Ibid., a. 5, o.

> ***Dico** 4º : Peccata carnalia per se et caeteris paribus minora sunt quam peccata spiritualia[1]; quia quanto est gravius impulsivum ad peccandum, tanto minus est peccatum. Peccata autem carnalia habent vehementius impulsivum, scilicet concupiscentiam carnis nobis innatam. Sunt tamen majoris infamiae, quia sunt circa delectationes nobis et brutis communes, et majoris adhaesionis, quia habent plus de conversione ad bonum commutabile, seu ad creaturam.*
>
> *1 Ibid., a. 5, o.*

What is the subject of sin?

1 **I say** 1°: The will is the subject of sin formally taken [2]; because the immanent act is in that power from which it is elicited. But sin is an immanent act; for it is to desire or to know, and insofar as it is

voluntary it is elicited by the will. *Therefore*

[2] Here q. 74, a. 1, o.

> ***Dico** 1° : Voluntas est subjectum peccati formaliter sumpti*[2]*; quia actus immanens est in ea potentia a qua elicitur. Atqui peccatum est actus immanens; est enim appetere vel cognoscere, et quatenus est voluntarius elicitur a voluntate.* Ergo
>
> [2] *Hic q. 74, a. 1, o.*

[2] **I say** 2°: Not the will alone, but also the sensitive appetite [3] and reason are the subject of sin formally taken; not however the members or external senses.

[3] Ibid., a. 2, 3 and 5, o.

> ***Dico** 2° : Non sola voluntas, sed etiam appetitus sensitivus*[3] *et ratio sunt subjectum peccati formaliter sumpti, non tamen membra aut sensus externi.*
>
> [3] *Ibid., a. 2, 3 et 5, o.*

[3] *It is proved* of the first part. If the sensitive appetite could not be the subject of formal sin, the reason would be that it is not intrinsically free, but only denominatively free from without.

> Probatur *prima pars. Si appetitus sensitivus non posset esse subjectum peccati formalis, ideo esset quia non est intrinsece liber, sed tantum denominative extrinsece.*

[4] But the assumption is false. *Therefore.* — The major is the adversaries'. — *Proof* of the minor: The sensitive appetite in man, from its immediate conjunction with the will and subordination to it, participates a certain liberty, although imperfect. *Therefore.* — Proof of the antecedent 1° from our Author, here a. 3, ad 1 [1], and in II Sentent., dist. 21, q. 1, a. 2, ad 5, where he says: « The concupiscible has a certain liberty..., according as it can obey the command of reason. »

[1] Where he says: « Certain powers of the sensitive part, although common to us and to brutes, have nevertheless in us a certain excellence from this, that they are joined to reason; as we, before other animals, have in the sensitive part the cogitative power and remembrance. And after this manner also the sensitive appetite in us, before other animals, has a certain excellence, namely that it is born to obey reason; and in this respect it can be principle of voluntary act, and consequently subject of sin. »

> *Atqui falsum est assumptum.* Ergo. — *Major est adversariorum.* — Prob. *min. Appetitus sensitivus in homine, ex conjunctione immediata cum voluntate et subordinatione ad illam, participat aliqualem libertatem, licet imperfectam.* Ergo. — Prob. *ant. 1° ex Authore, hic a. 3, ad 1*[1]*, et in II Sentent., dist. 21, q. 1, a. 2, ad 5, ubi dicit « Concupiscibilis habet quamdam libertatem..., secundum quod potest obedire imperio rationis. »*
>
> [1] *Ubi dicit : « Aliqua vires sensitiva partis, etsi sint communes nobis et brutis, tamen in nobis habent aliquam excellentiam ex hoc quod rationi junguntur; sicut nos prae aliis animalibus habemus in parte sensitiva cogitativam et reminiscentiam. Et per hunc modum etiam appetitus sensitivus in nobis prae aliis animalibus habet quamdam excellentiam, scilicet quod natus est obedire rationi; et quantum ad hoc potest esse principium actus voluntarii, et per consequens subjectum peccati. »*

[5] 2° The cogitative, from conjunction with intellect, participates the power of discoursing about singulars, as the Author teaches I p., q. 18, a. 4, o. Therefore likewise the sensitive appetite, from conjunction with the will, participates a certain liberty.

> *2° Cogitativa ex conjunctione cum intellectu participat vim discurrendi circa singularia, ut docet Author 1° p., q. 18, a. 4, o. Ergo similiter appetitus sensitivus ex conjunctione cum voluntate participat aliqualem libertatem.*

6 3° Such is the mode of divine providence, to connect the orders of things so among themselves that, according to the saying drawn from St. Dionysius, the supreme of the inferior order may touch the lowest of the superior: thus the noblest bodies, namely the heavenly, participate the incorruptibility of spirits; thus the most excellent of elements, fire, imitates the motion of living beings; and so of the rest. Why then should not the sensitive appetite in man, from its immediate conjunction with the will, participate something of its liberty and amplitude?

> *3° Hic est modus divinae providentiae, rerum ordines ita inter se connectere, ut, secundum effatum ex S. Dionysio depromptum, supremum infimi attingat infimum supremi : sic nobilissima corpora, nempe coelestia, incorruptibilitatem spirituum participant; sic elementorum praestantius, ignis, motum viventium imitatur, et sic de caeteris. Quidni ergo appetitus sensitivus in homine ex immediata conjunctione cum voluntate aliquid ejus libertatis et amplitudinis participet?*

7 The same must be said of reason. Insofar as it precedes the will, it is radically free, since from its indifferent judgment liberty originates; insofar however as it follows the will, it participates and expresses its liberty. Whence our Author, here a. 5, ad 2: « The will, he says, in a certain way moves and precedes reason, and reason in a certain way the will: whence the motion of the will can be called rational, and the act of reason can be called voluntary. And according to this sin is found in reason, either as it is a defect thereof voluntary, or as the act of reason is principle of the act of will. »

> *Idem dicendum de ratione. Quatenus enim praecedit voluntatem, est radicaliter libera, siquidem ex ejus judicio indifferenti originetur libertas; quatenus autem sequitur voluntatem, ejus libertatem participat et exprimit. Unde Author, hic a. 5, ad 2 : «Voluntas, inquit, quodam modo movet et praecedit rationem, et ratio quodam modo voluntatem : unde et motus voluntatis dici potest rationalis, et actus rationis potest dici voluntarius. Et secundum hoc in ratione invenitur peccatum, vel prout est defectus ejus voluntarius, vel prout actus rationis est principium actus voluntatis.»*

8 *It is proved* of the second part [1] : The members or external senses are not intrinsically free, but only denominatively so from without, from the will, by which they are moved despotically, like the servant who is acted upon and does not act; whence, in respect of sin formally taken, they are not active principles, but only organs and instruments. *Therefore.*

1 Ibid., a. 2, ad 3.

> Probatur *secunda pars*[1] *: Membra seu sensus externi non sunt intrinsece liberi, sed tantum denominative extrinsece a voluntate, a qua despotice moventur, sicut servus qui agitur et non agit; unde, respectu peccati formaliter sumpti, non sunt principia activa, sed organa tantum et instrumenta.* Ergo.
>
> [1] *Ibid., a. 2, ad 3.*

Whether sin, at least venial, can be in and from the sensitive appetite alone, without any actual influx of the will; and whether all motions of sensuality are sins?

1 **I say** 1° : No sin formally taken, even venial, can exist in and from the sensitive appetite alone, without some actual influx at least interpretative of the will.

> ***Dico** 1° : Nullum peccatum formaliter sumptum, etiam veniale, potest esse in et a solo appetitu sensitivo, absque aliquo actuali influxu saltem interpretativo voluntatis.*

2 *It is proved* 1°. Aug., lib. de vera Religione, c. 14, n. 27, says: « Either it must be denied that sin is committed, or it must be acknowledged that it is committed by the will. » And lib. de Duabus animabus, cap. 10, n. 14, says: « Sin is committed only by the will. »

Probatur *1°. Aug., lib. de vera Religione, c. 14, n. 27, ait : «Aut negandum est peccatum committi, aut fatendum est voluntate committi. » Et lib. de Duabus animabus, cap. 10, n. 14, ait : « Non nisi voluntate peccatur. »*

3 St. Thomas, here a. 2, ad 1, already cited: « Sin is not committed except by the will, as by the first mover; but sin is committed by the other powers as moved by it. »

S. Thomas, hic a. 2, ad 1 jam citatum : « Non peccatur nisi voluntate, sicut primo movente; aliis autem potentiis peccatur, sicut ab ea motis. »

4 *It is proved* 2°. There cannot be sin, even venial, in the sensitive appetite, unless at least the will can impede its motion, as St. Thomas expressly teaches, in II Sentent., dist. 24, q. 3, a. 2, o, and the adversaries themselves also confess, who for that very reason deny that the *primo primi* motions are sins, because, since they anticipate all reason and are without advertence, the will cannot impede them. But by this very fact that the will can impede and does not impede, it inflows interpretatively and consents. *Therefore.* Whence the adversaries either speak inconsequently, or dispute about a word.

Probatur *2°. Non potest esse peccatum, etiam veniale, in appetitu sensitivo, nisi saltem voluntas possit ejus motum impedire, ut expresse docet S. Thomas, in II Sentent., dist., 24, q. 3, a. 2, o, et etiam ipsimet fatentur adversarii, qui ideo negant motus primo primos esse peccata, quia, cum praeveniant omnem rationem et sint sine advertentia, voluntas non potest eos impedire. Atqui, hoc ipso quo voluntas potest impedire et non impedit, interpretative influit et consentit.* Ergo. *Unde adversarii vel inconsequenter loquuntur, vel disputant de nomine.*

5 *You will say* 1° : St. Thomas, here q. 74, a. 3, ad 3, says: « The motion of sensuality that anticipates reason is a venial sin. » Q. 25 de Veritate, a. 5, ad 5: « It is not said to be sin in sensuality on account of the interpretative consent of reason. »[1]

1 For thus the Angelic Doctor says here: « It is not said to be sin in sensuality on account of the interpretative consent of reason; for when the motion of sensuality anticipates the judgment of reason, there is neither interpreted nor express consent. But from this very fact that sensuality is subjectible to reason, its act, although it anticipate reason itself, has the character of sin. »

Dices *1º : S. Thomas, hic q. 74, a. 3, ad 3, dicit : «Motus sensualitatis rationem praeveniens, est peccatum veniale. » Q. 25 de Veritate, a. 5, ad 5 : « Non dicitur esse peccatum in sensualitate propter interpretativum consensum rationis. »*[1]

[1] *Sic enim ait hic Angelicus : « Non dieitur esse peccatum in sensualitate propter interpretativum consensum rationis; quando enim motus sensualitatis praevenit judicium rationis, non est consensus nec interpretatus nec expressus. Sed ex hoc ipso quod sensualitas est subjicibilis rationi, actus ejus, quamvis rationem ipsum praeveniat, habet rationem peccati. »*

6 *I answer.* to the first, that St. Thomas speaks of a motion of sensuality that anticipates indeed reason fully deliberating, yet followed by reason half-deliberating, that is, of a *secundo primo* motion.

Resp. *ad primum, quod S. Thomas loquatur de motu sensualitatis praeeveniente quidem rationem plene deliberatam, subsequente tamen semiplenam, hoc est, de motu secundo primo.*

7 To the second. Similarly it does not require the interpretative consent of reason perfectly deliberating, but well of reason deliberating imperfectly and half-way.

Ad secundum. Similiter non requirit interpretativum consensum rationis perfecte deliberatae, bene tamen imperfecte et semiplene deliberantis

8 *You will say* 2° : According to the doctrine of the preceding article, the sensitive appetite is free by its habitual conjunction alone, or immediate subordination, to the will. *Therefore* without actual influx of the will it can sin, at least venially.

Dices 2° : *Juxta doctrinam articuli praecedentis, appetitus sensitivus ex sola habituali conjunctione seu subordinatione immediata ad voluntatem est liber.* Ergo *sine actuali voluntatis influxu potest peccare, saltem venialiter.*

9 *I answer. I distinguish the antecedent*. In act first, *I concede*; in act second, *I deny*. For since the liberty of the sensitive appetite is not primary in man, but subordinate and participated from the will, it cannot break forth into act without some influx of the will; just as also the cogitative power does not participate the power of discoursing in act about singulars, except « according to a certain reflux » of universal reason into it, as St. Thomas says, Ia p., q. 78, a. 4, ad 5.

Resp. Dist. *ant. Est liber in actu primo,* conc.*; in actu secundo,* nego. *Cum enim libertas appetitus sensitivi non sit in homine prima, sed subordinata et a voluntate participata, non potest in actum prorumpere sine aliquo voluntatis influxu; sicut etiam cogitativa non participat vim discurrendi actu circa singularia, nisi « secundum quamdam refluentiam » rationis universalis in illam, ut loquitur S. Thomas, 1° p., q. 78, a. 4, ad 5.*

10 **I say** 2° : The motions of sensuality that are *primo primi*, namely those which forestall every advertence of reason, or those which we suffer unwillingly, however much they turn about illicit things, are not sins, not even venial.

***Dico** 2º : Motus sensualitatis primo primi, nimirum qui omnem rationis advertentiam praevertunt, aut ii quos inviti patimur, quantumvis versentur circa illicita, non sunt peccata, ne quidem venialia.*

11 Thus it was defined by Trid., sess. V, can. 5, and the opposite was condemned by St. Pius V, propositions 50 and 51 among the Baianian ones.

Ita definivit Trid., sess. v, can. 5, et oppositum damnavit S. Pius V, propos. 50 et 51 inter Baianas.

12 [Thus the Synod of Trid. defined at the place cited: « That concupiscence, or fomes, remains in the baptized, this holy Synod confesses and holds; which, having been left for the contest, harms not those who do not consent, but manfully resist through the grace of Christ Jesus : nay more, whoever shall have striven lawfully shall be crowned. This concupiscence, which the Apostle sometimes calls sin, the holy Synod declares that the Catholic Church never understood to be called sin because it would truly and properly be sin in those reborn, but because it is from sin and inclines to sin. But if anyone shall hold the contrary, let him be anathema. »

[Ita definivit synodus Trid., loco citato : « Manere in baptizatis concupiscentiam vel fomitem, haec sancta Synodus fatetur et sentit; quae cum ad agonem relicta sit, nocere non consentientibus, sed viriliter per Christi Jesu gratiam repugnantibus, non valet : quin imo, qui legitime certaverit, coronabitur. Hanc concupiscentiam, quam aliquando Apostolus peccatum appellat, sancta Synodus declarat Ecclesiam catholicam nunquam intellexisse peccatum appellari, quod vere et proprie in renatis peccatum sit, sed quia ex peccato est et ad peccatum inclinat. Si quis autem contrarium senserit, anathema sit. »

13 Among the 79 propositions condemned first by St. Pius V and afterwards by Gregory XIII and Urban VIII, the following are read :

Inter propositiones 79 damnatas primum a S. Pio V et postea a Gregorio XIII et Urbano VIII, sequentes leguntur :

50. « The wicked desires to which reason does not consent, and which man suffers unwillingly, are forbidden by the precept: Thou shalt not covet. »

50. « Prava desideria quibus ratio non consentit et quae homo invitus patitur, sunt prohibita praecepto : Non concupisces. »

51. « Concupiscence, or the law of the members, and its wicked desires which men feel unwillingly, are true disobedience of the law. »

> *51. « Concupiscentia, sive lex membrorum, et prava ejus desideria quae inviti sentiunt homines, sunt vera legis inobedientia. »*

75. « The motions of wicked concupiscence, in the state of vitiated man, are forbidden by the precept: Thou shalt not covet. Whence man, feeling them and not consenting, transgresses the precept: Thou shalt not covet, although the transgression is not reckoned as sin. »

> *75. « Motus pravi concupiscentiae sunt, pro statu hominis vitiati, prohibiti praecepto : Non concupisces. Unde homo eos sentiens, et non consentiens, transgreditur praeceptum : Non concupisces, quamvis transgressio in peccatum non deputetur. »*

76. « As long as anything of carnal concupiscence is in the diligent man, he does not fulfill the precept: Thou shalt love the Lord thy God with thy whole heart. »]

> *76. « Quamdiu aliquid concupiscentiae carnalis in diligente est, non facit praeceptum : Diliges Dominum Deum tuum ex toto corde tuo. »]*

18 It follows from the preceding conclusion. For if there be no sin without some consent of the will, plainly it follows that motions which forestall all reason, or which we suffer with the will resisting, are not sins, since they are without any consent of the will.

> *Sequitur ex praecedenti conclusione. Si enim nullum sit peccatum sine aliquo consensu voluntatis, palam sequitur, motus qui omnem rationem antevertunt, aut quos patimur reluctante voluntate, non esse peccata, cum sint sine ullo voluntatis consensu.*

On the Causes of Sins

1 Again. No sin, even venial, exists which is not voluntary. But the *primo primi* motions, which anticipate every advertence of reason, and those which we suffer unwillingly, are in no way voluntary. *Therefore.*

> *Item. Nullum est peccatum, etiam veniale, quod non sit voluntarium. Atqui motus primo primi, omnem rationis advertentiam praevenientes, et ii quos inviti patimur, nullo modo sunt voluntarii.* Ergo.

2 Again. No one is bound to the impossible. But it is impossible for man to prevent the motions of concupiscence from arising, whether from the unlooked-for apprehension of an object present or absent, or from the natural disposition of the body, or from the devil procuring them : since all these causes are not within the power of man.

> *Item. Nemo ad impossibile tenetur. Atqui impossibile est homini impedire ne exsurgant motus concupiscentiae, sive ex inopinata objecti praesentis vel absentis apprehensione, sive ex naturali corporis dispositione, sive ex daemone eos procurante : cum hae omnes causae non sint in potestate hominis.*

3 As to the things objected especially from Sts. Augustine and Thomas, it must be answered that they take sin or fault improperly, either for that which is from sin and inclines to sin, or for any disorder of nature, even though not imputable; or else that they speak of the motions of concupiscence that are

secundo primi, which do not proceed from perfect deliberation. Moreover, that the holy Doctors think Catholicly with us is evident from their testimonies cited in the first conclusion. Likewise, as regards Augustine, from lib. V cont. Julian., c. 3; ib. IV cont. eumd., c. 15; lib. I de Civit., c. 26, and lib. II de Peccatorum meritis et remis., c. 4. As to St. Thomas, IIa IIae, q. 154, a. 5, o, and q. 7 de Malo, a. 6, ad 6.

> *Quantum ad ea quae objiciuntur praesertim ex SS. Aug. et Thoma, respondendum est, eos sumere peccatum seu culpam improprie, sive pro eo quod est ex peccato et ad peccatum inclinat, sive pro quacumque inordinatione naturae, etsi non imputabili; vel loqui de motibus concupiscentiae secundo primis, qui non procedunt ex perfecta deliberatione. Caeterum SS. Doctores sentire catholice nobiseum constat ex eorum testimoniis citatis in prima conclusione. Item, quoad Aug., ex lib. V cont. Julian., c. 3; ib. IV cont. eumd., c. 15; lib. I de Civit., c. 26, et lib. II de Peccatorum meritis et remis., c. 4. Quantum ad S. Thomam, 2° 2ae, q. 154, a. 5, o, et q. 7 de Malo, a. 6, ad 6.*

Whether, and what, ignorance is a cause of sin, and is itself a sin?

1 *I suppose*, from the tract. on Human Acts, dissert. I, the division of ignorance into antecedent, concomitant and consequent. *Re-read.*

> Suppono*, ex tract. de Actib. hum., dissert. I, divisionem ignorantiae in antecedentem, concomitantem et consequentem.* Relege.

2 **I say** 1°: Ignorance can be a cause of sin [1], not per se, because since it is privation and not a being, it cannot of itself influence an act; but per accidens, as removing what prohibits, inasmuch as it removes knowledge which, if present, sin would not be committed.

[1] Here q. 76, a. 1, o.

> ***Dico** 1° : Ignorantia potest esse causa peccati[1], non per se, quia cum sit privatio et non ens, non potest per se influere in actum; sed per accidens, tamquam removens prohibens, quatenus removet scientiam, qua si adesset, peccatum non fieret.*
>
> *[1] Hic q. 76, a. 1, o.*

3 **I say** 2°: Concomitant ignorance is not a cause of sin [2], because it does not remove knowledge which, if present, would impede sin, but with it present sin is committed equally. Antecedent and consequent ignorance are causes of sin, because they take away knowledge by which, if present, sin would be prohibited: yet with this difference, that antecedent ignorance is only a cause of the act of sin, or of sin taken not formally but materially, because the act following from it, as regards the circumstance of sin, is involuntary, since that circumstance is invincibly ignored; but consequent ignorance is a cause of sin formally, because the act following from it, even as regards the character of formal sin, is voluntary, since this character is voluntarily and vincibly ignored. Concerning antecedent or invincible ignorance of divine and natural law, whether it exists and whether it excuses from sin, we shall speak more fully in what follows.

[2] Ibid.

> ***Dico** 2° : Ignorantia concomitans non est causa peccati[2], quia non removet scientiam, quae si adesset, impediret peccatum, sed ea praesente aeque fieret. Ignorantia antecedens et consequens sunt causa peccati, quia tollunt scientiam, qua si adesset, prohiberet peccatum : cum hac tamen differentia, quod antecedens sit tantum causa actus peccati, seu peccati, non formaliter, sed materialiter sumpti, quia actus ex illo sequens, quoad circumstantiam peccati, est involuntarius, cum ista circumstantia sit invincibiliter ignorata; consequens autem sit causa peccati formaliter, quia actus sequens ex illa, etiam quoad rationem peccati formalis, est voluntarius, cum haec ratio sit voluntarie et vincibiliter*

ignorata. De ignorantia antecedente seu invincibili juris divini et naturalis, an detur et an excuset a peccato, fusius dicemus insequentibus.

[2] *Ibid.*

4 **I say** 3°: Invincible ignorance is not sin; vincible ignorance of things one is bound to know is formally in itself sin, not however on account of its own self, but on account of negligence in learning [3]. But all are bound commonly to know: 1° the things that are of faith, 2° the universal precepts of law, 3° each one, those things which pertain to his state and office.

[3] Ibid., a. 2, o.

***Dico** 3° : Ignorantia invincibilis non est peccatum; vincibilis eorum quae quis scire tenetur, est formaliter in se peccatum, non tamen ratione sui, sed ratione negligentiae addiscendi[3]. Omnes autem scire tenentur communiter : 1° ea quae sunt fidei, 2° universalia juris praecepta, 3° singuli, quae ad suum statum et officium pertinent.*

[3] *Ibid., a. 2, o.*

5 The *Reason* of the first part: because invincible ignorance, since it is not in our power to overcome it — for it is called invincible because it cannot morally be overcome — is not voluntary. It will appear more clearly from what must be said below.

Ratio *primae partis : quia ignorantia invincibilis, cum non sit in potestate nostra eam vincere, dicitur enim invincibilis quia moraliter superari non potest, non est voluntaria. Patebit magis ex dicendis infra.*

6 The *Reason* of the second part is: because voluntary omission of a due act is formally in itself sin. Yet vincible ignorance of things one is bound to know is voluntary omission, at least indirectly, of a due act, namely due cognition, in negligence of learning. *Ergo.*

Ratio *secunda partis est : quia omissio voluntaria actus debiti est formaliter in se peccatum. Atqui ignorantia vincibilis eorum quae quis scire tenetur, est omissio voluntaria, saltem indirecte, in negligentia addiscendi, actus debiti, nimirum debitae cognitionis.* Ergo.

7 [*You will ask* 1° what things are causes of vincible ignorance.

*[*Petes *1° quaenam sint causa ignorantia vincibilis.*

8 *I answer.* Four are counted, namely: negligence, passion, wicked habit, thoughtlessness.

Resp. *Quatuor numerantur, scilicet: negligentia, passio, habitus pravus, inconsideratio.*

9 1° Negligence. « When anyone, says St. Thomas, 1a 2ae, q. 76, a. 3, c, neglects to learn, on account of labor or other occupations, that whereby he would be withheld from sin, such negligence makes ignorance itself voluntary, and sinful, provided it be of things one is bound and able to know. » But that ignorance be sin, there is required 1° that it be of things one is bound to know, e.g., things that are of faith and the universal precepts of law, or those which concern one's own state or office; 2° that negligence in learning be voluntary and culpable, that is, that man advert to the obligation imposed upon him and to the means proposed to him for acquiring competent knowledge, and refuse to employ them; for, as the Angelic Doctor says, q. 3 de Malo, a. 7, c, negligence from which culpable ignorance is born is nothing else than « not applying the mind to knowing what one ought to know. »

1° Negligentia. « Cum quis, inquit S. Thomas, 1a 2ae, q. 76, a. 3, c, propter laborem vel propter alias occupationes negligit addiscere id per quod a peccato retraheretur, talis negligentia facit ignorantiam ipsam esse voluntariam, et

peccatum, dummodo sit eorum quae quis scire tenetur et potest. » Ut autem ignorantia sit peccatum, requiritur 1° ut sit eorum quae quis scire tenetur, v. g., ea quae sunt fidei, et universalia juris praecepta, vel ea quae ad proprium statum vel officium spectant; 2° ut negligentia addiscendi sit voluntaria et culpabilis, id est, ut homo advertat ad obligationem sibi impositam et ad media sibi proposita scientiam competentem acquirendi, et renuat ea adhibere; nam, ut ait Angelicus, q. 3 de Malo, a. 7, c, negligentia ex qua culpabilis ignorantia nascitur, nihil aliud est quam « non applicare animum ad sciendum id quod quis debet scire. »

10 2° Passion. For ignorance becomes voluntary through passion when someone deliberately wills to follow it, foreseeing at least confusedly and in general the evil effects naturally about to arise from such passion, though he perceive them not in particular; for then he wills them at least in their cause. Whence St. Thomas says, q. 3 de Malo, a. 10, c: « Posited that reason be bound by passion, it is necessary that perverse choice follow. But it is in the power of the will to repel this bond of reason. For reason is bound from this, that the intention of the soul is applied vehemently to the act of sensitive appetite, whence it turns away from considering in particular what it knows habitually in universal. To apply intention to something or not to apply it exists in the power of the will. Whence it is in the power of the will that it exclude that bond of reason. The act therefore committed which proceeds from such a bond is voluntary: whence it is not excused from guilt, even mortal. But if the binding of reason through passion proceeded so far that it were not in the power of the will to remove a bond of this kind, suppose that through some passion of soul one should fall into insanity, whatsoever he might commit would not be imputed to him as guilt, as neither to another madman, except perhaps as regards the principle of such passion, which was voluntary; for the will could have impeded from the beginning that passion proceed so far. »

2° Passio. Ignorantia enim fit voluntaria per passionem, quando quis vult deliberate hanc sequi, praevidens saltem confuse et in genere malos effectus ex tali passione naturaliter orituros, licet in particulari eos non perspiciat; tum enim eos vult saltem in causa. Unde S. Thomas dicit, q. 3 de Malo, a. 10, c : « Posito quod ratio sit ligata per passionem, necesse est quod sequatur perversa electio. Sed in potestate voluntatis est hoc ligamen rationis repellere. Ratio enim ligatur ex hoc quod intentio animae applicatur vehementer ad actum appetitus sensitivi, unde avertitur a considerando in particulari id quod habitualiter in universali cognoscit. Applicare autem intentionem ad aliquid vel non applicare, in potestate voluntatis existit. Unde in potestate voluntatis est quod ligamen rationis excludat. Actus ergo commissus qui ex tali ligamine procedit, est voluntarius : unde non exusatur a culpa etiam mortali. Sed, si ligatio rationis per passionem in tantum procederet, quod non esset in potestate voluntatis hujusmodi ligamen removere, puta si per aliquam animae pas sionem aliquis in insaniam verteretur, quiquid committeret, non imputaretur ei ad culpam, sicut nec alii insano, nisi forte quantum ad principium talis passionis, quod fuit voluntarium; poterat enim voluntas a principio impedire ne passio in tantum procederet. »

11 3° Wicked habit. Ignorance becomes voluntary by reason of a wicked habit, when namely someone does not care efficaciously to amend a wicked habit. For those acts are sins formally which are sufficiently voluntary in themselves or in their cause. Yet acts which proceed from a wicked habit are sufficiently voluntary in themselves or in their cause, namely in the bad custom which was voluntarily contracted. They are also sufficiently deliberate; for, as St. Liguori says, lib. II, de Peccatis, n. 4, « sinners of this kind ill habituated, although they have cognition less prompt than others, nevertheless always have some actual cognition of their crimes sufficient for rendering acts deliberate and mortal. For since they make little account of sin, there is not made in their souls that sensible and memorable impression which is made in another having conscience less depraved: and hence it happens that in their memory there remains no vestige of that actual cognition which they had

sufficiently before concerning the sin, or a vestige so light, that being questioned they easily answer that they did not advert. » Ergo.

> *3° Pravus habitus. Ignorantia fit voluntaria ratione pravi habitus, quando scilicet quis pravum habitum emendare non curat efficaciter. Hi enim actus mali sunt peccata formaliter, qui sufficienter sunt voluntarii in se vel in sua causa. Atqui actus qui proveniunt ex pravo habitu, sufficienter sunt voluntarii in se vel in sua causa, nempe in prava consuetudine quae voluntarie fuit contracta. Sunt etiam sufficienter deliberati; nam, ut ait S. Ligorius, lib. II, de Peccatis, n. 4, « hujusmodi peccatores male habituati, quamvis habeant cognitionem minus expeditam quam alii, semper tamen habent cognitionem aliquam actualem suorum criminum sufficientem ad reddendos actus deliberatos et mortales. Cum enim ipsi parvipendant peccatum, non fit in eorum animis illa sensibilis et memorabilis impressio qua fit in alio habente conscientiam minus depravatam : et hinc evenit quod in eorum memoria non remanet vestigium actualis illius cognitionis quam satis habuerunt antea de peccato, aut vestigium adeo leve, ut interrogati de facili respondeant, quod non adverterint. » Ergo.*

12 4° Thoughtlessness. To prudence pertains to regulate all actions of man; and since nothing right or rightly done can be done without her guidance, and thoughtlessness is opposed to her, whatever acts are done together with ignorance arisen from thoughtlessness become sins, because such ignorance can easily be overcome. Thus St. Thomas proves, 2a 2ae, q. 53, a. 4, c, that thoughtlessness is a special sin contained under imprudence: « Consideration chiefly pertains to judgment. Whence also defect of right judgment pertains to the vice of thoughtlessness, insofar namely as someone fails in judging rightly from this, that he will not consider the things he can consider. »

> *4° Inconsideratio. Ad prudentiam pertinet omnes actiones hominis regulare, et cum nihil recti vel recte nisi ea duce agi possit, et inconsideratio ei opponatur, quaecumque cum ignorantia ex inconsideratione orta aguntur, peccata fiunt, quia talis ignorantia facile vinci potest. Sic probat S. Thomas, 2a 2ae, q. 53, a. 4, c, inconsiderationem esse speciale peccatum sub imprudentia contentum : « Consideratio maxime pertinet ad judicium. Unde et defectus recti judicii ad vitium inconsiderationis pertinet, prout scilicet aliquis in recte judicando deficit, ex hoc quod contemnit vel negligit attendere ea ex quibus rectum judicium procedit. Unde manifestum est quod inconsideratio est peccatum. »]*

13 *You will ask* 2° whether culpable ignorance of things one is bound to know is a special sin distinct from the sins of which it is the cause.

> Petes 2° *utrum ignorantia culpabilis eorum quae quis scire tenetur, sit peccatum speciale distinctum a peccatis quorum est causa.*

14 *I answer.* 1° Ignorance of things which man is bound to know not on account of themselves but on account of the work here and now to be done or avoided, is not a special sin distinct from the sin which follows from it, because by no other title is one bound to know those things than by reason of the work here and now to be done or omitted; and thus it takes its whole malice from that work, no otherwise than an act good or indifferent from elsewhere which is the cause of culpable omission takes its whole malice from the omission, and constitutes one sin only with it. Hence he who approaches one not his own, vincibly ignoring that she is married [1], commits one sin only of adultery; likewise he who does not fast on the vigil of St. Matthew, vincibly ignoring it to be the vigil [2] : and it suffices to say in confession: « I committed adultery, I did not fast on the vigil of St. Matthew, » without his accusing his vincibile ignorance.

[1] If he apprehend at least confusedly that she is married; otherwise, if he think not at all of her state, and nothing from elsewhere ingers this suspicion into him.

[2] If this transgression of the law of fasting happen from mere inadvertence, although actual ignorance be vincibile, it is indeed material sin, but not formal.

> Resp. *1° Ignorantia rerum quas homo non tenetur scire propter ipsas, sed propter opus hic et nunc faciendum vel vitandum, non est peccatum speciale distinctum a peccato quod ex ea sequitur, quia non alio titulo quis tenetur scire illas res, quam ratione operis hic et nunc faciendi vel omittendi; sicque totam malitiam desumit ab isto opere, non secus ac actus aliunde bonus vel indifferens qui est causa omissionis culpabilis, totam suam malitiam desumit ab omissione, et unum dumtaxat peccatum constituit cum illa. Hinc qui accedit ad non suam, ignorans vincibiliter esse conjugatam*[1]*, unum tantum peccatum adulterii committit; similiter qui non jejunat in vigilia S. Matthaei, ignorans vincibiliter esse vigiliam*[2] *: sufficitque dicere in confessione : « Commisi adulterium, non jejunavi in vigilia S. Matthaei, » absque eo quod accuset suam vincibilem ignorantiam.*
>
> [1] *Si saltem confuse apprehendat eam esse conjugatam; secus, si de ejus statu minime cogitet, et nihil aliunde ipsi hanc suspicionem ingerat.*
>
> [2] *Si haec transgressio legis jejunii ex mera inadvertentia accidat, quamvis ignorantia actualis sit vincibilis, est quidem peccatum materiale, non autem formale.*

[15] 2° But ignorance of things which man is bound to know on account of themselves is a special sin distinct from the sin of which it is the cause, opposed to studiousness. For then ignorance does not take its malice from the effect or consequent sin, but has it according to itself, inasmuch as it is against the precept of knowing these things on account of themselves and not on account of a work here and now to be done or omitted. Hence he who from vincible ignorance of the Incarnation blasphemed against Christ would sin with twofold sin: of ignorance against infused studiousness, and of blasphemy against religion; likewise he who from ignorance that adultery is sin would commit it; also a confessor, judge, physician who vincibly ignores the things of his office or state, by this very fact sins with a special sin of ignorance, and if thence he act badly, or there be proximate danger of acting badly, he commits another distinct sin; for he is not bound to know these precisely by reason of a work here and now to be done or omitted, as in the first answer, where such obligation is transient with the work, but by reason of state, and therefore it is permanent.

> *2° Ignorantia vero rerum quas homo propter ipsas tenetur scire, est peccatum speciale distinctum a peccato cujus est causa, oppositum studiositati. Non enim tunc ignorantia sumit suam malitiam ab effectu seu peccato consequente, sed eam secundum se habet, quatenus est contra praeceptum sciendi has res propter ipsas et non propter opus hic et nunc ponendum vel omittendum. Hinc qui ex ignorantia vincibili Incarnationis blasphemaret in Christum, duplici peccato peccaret, ignorantiae contra studiositatem infusam, et blasphemiae contra religionem; similiter qui ex ignorantia quod adulterium sit peccatum, illud committeret; item confessarius, judex, medicus, qui ignorat vincibiliter ea quae sunt sui muneris aut status, hoc ipso peccat peccato speciali ignorantiae, et si inde male operetur, aut sit periculum proximum male operandi, aliud peccatum distinctum committit; non enim ista tenetur scire praecise ratione operis hic et nunc faciendi aut omittendi, ut in prima responsione, ubi talis obligatio est transiens cum opere, sed ratione status, et ideo est permanens.*

[16] *You will ask* 3° what ignorance is reckoned invincible.

> Petes *3° quae ignorantia censeatur invincibilis.*

[17] *I answer.* that ignorance to be invincible which cannot be overcome with moral diligence employed. I say moral, not supreme, but such as prudent and God-fearing men are wont to employ in similar business.

Resp. *eam ignorantiam esse invincibilem, quae morali diligentia adhibita vinci non potest. Dico morali, non summa, sed quam viri prudentes et timorati adhibere solent in simili negotio.*

Whether there can be invincible ignorance of positive divine law?

1 **I say** : Invincible ignorance of divine positive law can be given, not only among infidels, to whom the Gospel has not been announced, but also among the faithful, to whom it has been announced[1].

1 2a 2ae, q. 10, a. 1.

***Dico** : Potest dari ignorantia invincibilis juris positivi divini, non solum apud infideles, quibus non est annuntiatum Evangelium, sed etiam apud fideles, quibus est annuntiatum[1].*

1 2a 2ae, q. 10, a. 1.

2 The first part is certain and is admitted by all the orthodox, especially after the condemnation of this proposition : « Negative infidelity, in those among whom Christ has not been preached, is sin. » It is number 68 among the Baians condemned by St. Pius V.

Prima pars est certa et admittitur ab omnibus orthodoxis, praesertim post condemnationem hujus propositionis : « Infidelitas negativa, in his quibus Christus non est praedicatus, peccatum est. » Est 68 inter Baianas a S. Pio V damnatas.

3 It is proved 2°. According to ordinary law of God, the unique medium of knowing the mysteries of faith is the preaching of the Gospel, according to that word *Rom.*, X, 14 : How shall they believe him whom they have not heard? And how shall they hear without a preacher? Whence Christ, *Joann.*, XV, 22, says of the Jews : If I had not come and spoken to them, they would not have sin — namely of infidelity, as Aug. interprets it, Tract. 89 in Joann.

Probatur 2°. *Secundum legem Dei ordinariam, unicum medium cognoscendi mysteria fidei est praedicatio Evangelii, juxta illud* Rom.*, X, 14 : Quomodo credent ei quem non audierunt? Quomodo autem audient sine praedicante? Unde Christus,* Joann.*, XV, 22, dicit de Judaeis : Si non venissem et locutus fuissem eis, peccatum non haberent, scilicet infidelitatis, ut interpretatur Aug., Tract. 89 in Joann.*

4 And thence flows the second part, which one or another denies, being herein singular against the unanimous sense of the others. For if, because the Gospel is announced in no manner to infidels, invincible and blameless ignorance of all the mysteries and precepts of faith can exist in them, therefore those also among the faithful to whom it is not sufficiently announced, or as regards certain precepts, can invincibly and blamelessly ignore them : because what the defect of promulgation of the whole law effects with respect to infidels, that does the defect of promulgation of this precept effect with respect to a particular person; especially since from one precept known, another cannot be deduced with which it holds no connection.

Et hinc fluit secunda pars, quam negat unus aut alter, in hoc singulares contra unanimem sensum aliorum. Si enim quia Evangelium nullo modo est annuntiatum infidelibus, potest in illis dari ignorantia invincibilis et inculpabilis omnium mysteriorum et praeceptorum fidei, ergo ii inter fideles quibus non est sufficienter annuntiatum, seu quoad quaedam praecepta, possunt illa invincibiliter et inculpabiliter ignorare : quia quod facit defectus promulgationis totius legis respectu infidelium, hoc facit defectus promulgationis hujus praecepti respectu personae particularis: praesertim cum ex uno praecepto cognito, non possit deduci aliud quocum non habet connexionem.

5 *It is confirmed.* Divine positive law thrusts knowledge of itself upon us no more than human law. But invincible ignorance of human law can be given. Therefore.

> Confirmatur. *Lex divina positiva non magis ingerit sui notitiam quam lex humana. Atqui potest dari ignorantia invincibilis legis humanae. Ergo.*

6 *You will say* against the first part : Every ignorance of divine positive law at least necessary to salvation is culpable. Therefore vincible. — *Proof* of the antecedent. It arises from fault; for if man were to convert himself to God as he ought and can by the help of grace, which God denies to no one, as we said in the first part, God would instruct him concerning those things necessary to salvation, either through internal inspiration, or through a preacher, as St. Thomas teaches, Lect. 3 on chapter X Rom., and elsewhere. But ignorance which follows from fault is culpable. Therefore.

> Dices *contra primam partem : Omnis ignorantia legis positivae divinae saltem necessariae ad salutem est culpabilis. Ergo vincibilis.* — Prob. *ant. Oritur ex culpa; si enim homo se converteret ad Deum ut debet et potest ex auxilio gratiae, quod Deus nemini denegat, ut diximus in prima parte, Deus ipsum de iis quae sunt necessaria ad salutem instrueret, vel per internam inspirationem, vel per praedicatorem, ut docet S. Thomas, Lect. 3 in cap. X* Rom. *et alibi. Atqui ignorantia quae sequitur ex culpa, est culpabilis. Ergo.*

7 *Answer.* I deny the antecedent. In proof whereof I distinguish the minor. Ignorance which follows from fault is culpable, if it was foreseen in the fault, or could humanly have been foreseen, *I concede*; if it was neither foreseen nor could have been foreseen, *I deny*. For, that an effect following per accidens upon some voluntary cause be voluntary and imputable, it must, as I said so often already, be foreseen, or morally able to be foreseen, as about to follow from that cause. But they of whom the question treats neither apprehend, nor can morally apprehend, their conversion to God to be an ordered and suitable medium for driving away the ignorance of faith, concerning which they do not even think, or ever thought. Confer what I said in my great Work, tract on God, dissert. VII, art. 8, obj. 5.

> Resp. *Nego ant. Ad probationem,* dist. *min. Ignorantia quae sequitur ex culpa, est culpabilis, si in culpa fuit praevisa, aut potuit humano modo praevideri, conc.; si neque praevisa fuit, neque potuit, nego. Ut enim effectus sequens per accidens ad aliquam causam voluntariam, sit voluntarius et imputabilis, debet, sicut jam toties dixi, esse praevisus aut posse moraliter praevideri secuturus ex illa causa. Hi autem de quibus est quaestio, neque apprehendunt, neque moraliter apprehendere possunt, conversionem suam ad Deum esse medium ordinatum et idoneum ad depellendam ignorantiam fidei, de qua nequidem cogitant aut cogitarunt unquam. Confer quae dixi in magno Opere, tract. de Deo, dissert. VII, art. 8, obj. 5.*

8 *You will insist* Every adult can attain salvation, as is plain from what was said art. 8 cited. Therefore he can drive away the ignorance of those things at least necessary unto salvation.

> Inst. *Omnis adultus potest salutem consequi, ut patet ex dictis art. 8 cit. Ergo potest depellere ignorantiam eorum saltem quae sunt scitu necessaria ad salutem.*

9 *Answer. I distinguish the consequence.* Therefore he can physically drive away ignorance etc., insofar as he can be instructed by God, and would in fact be instructed, were he to convert himself to him, *I concede* the consequence; morally, so that it be imputed to him as fault, if he drive it not away, *I deny*, since he knows not that he can, nor that necessary knowledge would follow from his conversion. But there is no implication [contradiction] that someone can morally attain the end which he knows, and be able to attain the means only physically, when he knows them not.

Resp. *Dist. conseg. Ergo potest physice depellere ignorantiam, etc., quatenus potest instrui a Deo, et de facto instrueretur, si se ad ipsum converteret, conc. conseq.; potest moraliter, ita ut ipsi imputetur ad culpam, si non depellat, nego, quia nescit se posse, neque quod ex sua conversione notitia necessaria sequeretur. Non autem implicat quod quis possit moraliter assequi finem quem cognoscit, et possit tantum physice assequi media, quando ea non cognoscit.*

Whether there can be invincible ignorance of the law of nature?

1 *Note* that the precepts of natural law are commonly distinguished, with the Author[1], into three classes: Some are first and most universal, which are rather principles of other precepts than precepts, such as : « Good must be done, evil avoided. What you do not wish done to yourself, do not to another. » Secondary are more determinate, which are deduced from the first immediately and by easy discourse, such as the precepts of the Decalogue. Tertiary are those contained obscurely in both, and deduced from these mediately and with difficult discourse, such as the precepts which prohibit certain contracts, as usurious or simoniacal, and many others.

1 Hic infra, q. 100, a. 1, c.

Nota *praecepta juris naturae communiter cum Authore distingui in tres classes[1] : Quaedam sunt prima et universalissima, quae potius sunt principia aliorum praeceptorum, quam praecepta, ut : « Bonum est faciendum, malum est fugiendum. Quod tibi non vis fieri, alteri ne feceris. » Secundaria magis determinata sunt, quae ex primis immediate et facili discursu deducuntur, ut sunt praecepta Decalogi. Tertiaria sunt quae in utrisque obscure continentur, et ex his mediate atque difficili discursu deducuntur, ut sunt praecepta quae prohibent certos contractus, ut usurarios aut simoniacos, et alia plura.*

1 Hic infra, q. 100, a. 1, c.

2 It is agreed among theologians that there cannot be invincible ignorance of the first precepts, nor of the secondary considered in themselves, in adults having perfect use of reason; because the first are per se known and are understood from the mere apprehension of the terms; the secondary are deduced from the first immediately by an easy and obvious discourse, of which even ruder men are capable.

Convenit inter theologos, non posse dari ignorantiam invincibilem de primis praeceptis, neque de secundariis secundum se consideratis, in adultis perfectum usum rationis habentibus; quia prima sunt per se nota et ex sola terminorum apprehensione intelliguntur; secundaria ex primis deducuntur immediate discursu facili et omnibus obvio, cujus etiam rudiores sunt capaces.

3 I said: « Of secondary precepts considered in themselves; » because, if they be considered as clothed with circumstances good and apparently excusing from sin, as to tell a slight lie to save the life of an innocent man, to steal to relieve one gravely needy, etc., it is more probable, with Sylvius, the Salmanticenses and several others, that they can be invincibly ignored, at least by ruder men and for some time; because on account of this circumstance they become obscure and are reduced to the third class. The question is therefore concerning the more remote and more obscure precepts of the third class. Wherefore

Dixi : « De secundariis praeceptis secundum se consideratis; » quia, si considerentur ut vestita circumstantia bona et apparenter excusante a peccato, ut mentiri leviter ad salvandam vitam innocentis, furari ad succurrendum graviter indigenti, etc., probabilius est, cum Sylvio, Salmanticensibus et pluribus aliis, posse invincibiliter ignorari, saltem a rudioribus et ad aliquod tempus; quia ratione hujus circumstantiae fiunt obscura et reducuntur ad tertiam classem. Quaestio est igitur de praeceptis remotioribus et obscurioribus tertiae classis. Pro quo

4 **I say** : There can be in adults having perfect use of reason invincible ignorance of natural law regarding the more remote and more obscure precepts, which are said to be of the third class. This is most common opinion against certain Louvanists and a few others.

> ***Dico*** *: Dari potest in adultis perfectum usum rationis habentibus ignorantia invincibilis juris naturae quoad praecepta remotiora et obscuriora, quae dicuntur tertiae classis. Est communissima contra quosdam Lovanienses et paucos alios.*

5 *It is proved* by the authority and reasoning of St. Thomas, below, q. 100, a. 1, c, where he says: « Certain [precepts of the natural law] there are for whose judgment much consideration of diverse circumstances is required, which to consider diligently does not belong to everyone, but to wise men; just as to consider the particular conclusions of sciences belongs not to all, but to philosophers alone. » And further: « Certain things there are which by subtler consideration of reason are judged by wise men to be observed; and these are so of the law of nature, that however they need instruction whereby the lesser may be taught by the wise. » And a. 11, c, of the same question: « Certain things there are whose reason is not so manifest to everyone, but only to the wise; and these are the moral precepts superadded to the Decalogue. » — I subjoin. But not all are or can be wise; not all are capable of subtler consideration or more difficult discourse; nor is it granted to all to be instructed by the wise. Therefore, according to St. Thomas and the truth of the matter, the more obscure precepts of natural law, which are remote conclusions from the first, can be invincibly ignored, no otherwise than the remote conclusions of the sciences.

> Probatur *authoritate et ratione D. Thomae, infra, q. 100, a. 1, c, ubi dicit : «Quaedam sunt [praecepta legis naturalis] ad quorum judicium requiritur multa consideratio diversarum circumstantiarum, quas considerare diligenter non est cujuslibet, sed sapientum; sicut considerare particulares conclusiones scientiarum non pertinet ad omnes, sed ad solos philosophos. » Et infra : « Quaedam sunt quae subtiliori consideratione rationis a sapientibus judicantur esse observanda; et ista sic sunt de lege naturae, ut tamen indigeant disciplina qua minores a sapientibus instruantur. » Et a. 11, c, ejusdem quaest. : « Quaedam sunt quorum ratio non est adeo cuilibet manifesta, sed solum sapientibus, et ista sunt praecepta moralia superaddita Decalogo. » — Subsumo. Atqui non omnes sunt aut esse possunt sapientes, non omnes sunt capaces subtilioris considerationis aut difficilioris discursus, nec omnibus conceditur instrui a sapientibus. Ergo, juxta S. Thomam et rei veritatem, obscuriora legis naturae praecepta, quae sunt conclusiones remotae primorum, possunt invincibiliter ignorari, non secus ac conclusiones remotae scientiarum.*

6 The adversaries answer 1° that the remote precepts of natural law can be invincibly ignored speculatively, but not practically; and that St. Thomas must be understood of speculative ignorance.

> Resp. *1° adversarii, praecepta remota juris naturae posse ignorari invincibiliter speculative, sed non practice, et de ignorantia speculativa intelligendum S. Thomam.*

7 *Sed contra* : 1° Therefore, according to St. Thomas, as it pleases the adversaries, the remote precepts of natural law can be invincibly ignored speculatively, because they are difficult, obscure and of subtler consideration. But they are not less difficult and obscure, indeed more so, in practice than in speculation, on account of the diverse circumstances which practice involves. Therefore. 2° St. Thomas wrote this part with respect to ignorance in practice, since thence they take their argument against us. If thus in this place, why not in another? Therefore the answer is gratuitously invented, nay false.

> Sed contra *: 1° Ideo, secundum D. Thomam, ut placet adversariis, praecepta remota juris naturae possunt ignorari invincibiliter speculative, quia sunt difficilia, obscura et subtilioris considerationis. Atqui non sunt minus, imo sunt*

magis difficilia et obscura in praxi, quam in speculatione, propter diversas circumstantias quas involvit praxis. Ergo. 2° S. Thomas scripsit hanc partem in ordine de ignorantia in praxi, siquidem inde desumant argumentum contra nos. Si sic in isto loco, cur non in alio? Ergo est liberaliter ficta, imo et falsa responsio.

8 *They insist* : If men, as far as in them lies, purged away depraved affections and habits, and prayed as they ought, God would enlighten them, or remove from them the occasion of acting against natural law; which since they neglect, their ignorance is voluntary and culpable.

Instant *: Si homines, quantum in ipsis est, expurgarent affectus et habitus pravos, atque orarent ut debent, Deus ipsos illuminaret, aut amoveret ab illis occasionem agendi contra legem naturalem; quod cum omittant, voluntaria et culpabilis est eorum ignorantia.*

9 *I answer. I deny* the consequence, which the adversaries feign quite gratuitously. For where has God promised this? That it may be more evident, the 2° conclusion is proved by overturning this principal foundation of the adverse opinion. According to the adversaries, that ignorance of natural law must be held vincible which could be conquered 1° by study and human inquiry, 2° by purging depraved affections and habits, 3° by assiduity in prayer, 4° by right use of what is already known. For these are the four modes by which Steyaert and other Louvanists say ignorance of natural law is vincible, so that, if these being in place it is not conquered, it will be invincible. But ignorance of natural law is given which, all these means being employed, could not be conquered. Therefore. — *Proof of the minor.* Jerome, *Epist*. XI, quoted by Augustine, taught that simulation was licit, and erred. Cassian, Collat. 17, and others taught that the officious lie, for instance for the liberation of one's country, is licit, and erred.

Resp. *Nego consequentiam, quam gratis omnino fingunt adversarii. Ubi enim id Deus promisit? Quod ut magis pateat,* Probatur *2° conclusio, evertendo hoc praecipuum adversae sententiae fundamentum. Juxta adversarios, illa ignorantia juris naturae debet censeri vincibilis, quae potuit vinci 1° studio et inquisitione humana, 2° expurgatione pravorum affectuum et habituum, 3° orationis assiduitate, 4° recto usu eorum quae jam sciuntur. Sunt enim hi quatuor modi quibus Steyaertius et alii Lovanienses dicunt ignorantiam juris naturae esse vincibilem, ita ut, si illis positis non vincatur, erit invincibilis. Atqui datur ignorantia juris naturae qua his omnibus adhibitis vinci non potuit. Ergo. —* Prob. *min. Hieron.,* Epist. *XI, apud Aug., docuit simulationem esse licitam, et erravit. Cassianus, Collat. 17, et alii docuerunt, mendacium officiosum, puta pro liberatione patriae, esse licitum, et erraverunt.*

10 St. Thomas, IIa IIae, q. 67, a. 2, c, teaches that a judge is bound to condemn as guilty one juridically proved innocent; St. Bonaventure teaches the contrary: one or other erred concerning natural law. For many centuries Catholic and most pious doctors dispute about this case and several others pertaining to natural law, for instance about certain contracts, whether they are usurious, whether simoniacal, etc. But all these employed the above-named means. It would be impious to deny this of the holy Doctors of the Church St. Jerome, St. Thomas, St. Bonaventure, rash to deny it of others. Therefore.

S. Thomas, 2a 2ae, q. 67, a. 2, c, docet judicem teneri condemnare innocentem juridice probatum nocentem; S. Bonaventura docet contrarium : alteruter erravit circa jus naturae. A pluribus saeculis, doctores catholici et pientissimi disputant circa hunc casum et plures alios spectantes jus naturae, puta circa quosdam contractus, an sint usurarii, an simoniaci, etc. Atqui hi omnes supradicta media adhibuerunt. Nefas esset id negare de sanctis Ecclesiae Doctoribus S. Hieron., S. Thoma, S. Bonaventura, temerarium negare de aliis. Ergo.

11 The adversaries respond that these holy Doctors and others erred speculatively only, and not practically.

> *Respondent adversarii, hos sanctos Doctores et alios errasse speculative tantum, et non practice.*

12 *Sed contra*. To be silent about others, St. Thomas composed his second and third parts of the Summa with a view to forming morals, avoiding sins, exercising virtues, administering and receiving sacraments, and singularly this article about which there is question, for duly exercising the office of judge; all which pertain to practical doctrine. Therefore, if he erred, he erred practically, and not speculatively only, as a Thomist doctor would now err if consulted by a judge he answered according to the opinion of St. Thomas: for it is not only practice to act, but also to teach and counsel in acting; nor is he alone culpable practically who does the evil work, but also he who cooperates with it by teaching and consenting. Nor say that St. Thomas gave no assurance; for he is held to give assurance who teaches something absolutely as true and obligatory, as St. Thomas does in the present case and in many others. And even if he gave no assurance to others, nevertheless he himself erred with a view to practice, since by thus teaching he did not know but that many would follow his doctrine.

> Sed contra. *Ut de aliis sileam, S. Thomas composuit secundam et tertiam partem suae Summae in ordine ad mores formandos, peccata vitanda, virtutes exercendas, sacramenta administranda et recipienda, et singulariter hunc articulum de quo est quaestio, pro officio judicis rite exercendo; quae omnia ad doctrinam practicam pertinent. Ergo, si erravit, practice erravit, et non speculative tantum, sicut doctor Thomista nunc erraret, si consultus a judice, responderet secundum sententiam S. Thomae : non enim est tantum praxis agere, sed et agenda docere et consulere; neque ille solus reus est practice, qui facit malum opus, sed etiam qui ei cooperatur docendo, consentiendo. Neque dicas, S. Thomam non dedisse securitatem; ille namque censetur dare securitatem, qui docet aliquid absolute ut verum et obligatorium, sicut facit S. Thomas in casu praesenti et in pluribus aliis. Et esto, non dederit securitatem aliis, nihilominus ipse erravit in ordine ad praxim, cum sic docendo, non ignoraret fore ut multi sequerentur ejus doctrinam.*

13 Therefore when we read in Scripture : Ask, and you shall receive, *John*, XVI, 24. If any of you want wisdom, let him ask of God who giveth to all men abundantly, and upbraideth not, *James*, I, 5. Thou hast given a warning to them that fear thee, that they may flee from before the bow, *Psal*. LIX, 6 : these and similar texts are understood to mean that God, of his grace, will enlighten him who prays and does what in him lies regarding those things necessary with necessity of means, and for avoiding formal sins.

> *Quando ergo legimus in Scriptura : Petite, et accipietis,* Joann., *XVI, 24. Si quis indiget sapientia, postulet a Deo qui dat omnibus affluenter, et non improperat,* Jacob., *I, 5. Dedisti metuentibus te significationem, ut fugiant a facie arcus,* Psal. *LIX, 6 : haec et similia intelliguntur, quod Deus oranti et facienti quod in se est, ex gratia, illuminet quoad ea quae sunt necessaria necessitate medii, et ad vitanda peccata formalia.*

14 It is confirmed 2°. God does not always enlighten him who does what in him lies, of grace, according to the aforesaid modes, regarding those things which are of positive divine law, as the adversaries commonly admit. Therefore neither regarding those things which are of natural law.

> Confirmatur 2°. *Facientem quod in se est, ex gratia, secundum praedictos modos, Deus non semper illuminat quoad ea quae sunt juris divini positivi, ut communiter admittunt adversarii. Ergo nec quoad ea quae sunt juris naturalis.*

15 *Obj*. 1° from St. Thomas : The Angelic Doctor, Quodlib. XIII, a. 13, says : « In two ways someone is bound to sin: one way, by acting against the law, as when someone fornicates; another way, by acting against conscience, even if it be not against the law... But that which is done against the law is always

evil, nor is it excused by being according to conscience. » But he who acts against the more remote precepts of natural law acts against the law. Therefore his ignorance is not invincible; otherwise he would not sin.

> Obj. *1° ex D. Thoma : Doctor Angelicus, Quodlib. XIII, a. 13, dicit : « Duobus modis aliquis ad peccatum obligatur, uno modo, faciendo contra legem, ut cum aliquis fornicatur; alio modo, faciendo contra conscientiam, etiamsi non sit contra legem... Illud autem quod agitur contra legem, semper est malum, nec excusatur per hoc quod est secundum conscientiam. » Atqui qui agit contra remotiora juris naturae praecepta, agit contra legem. Ergo ejus ignorantia non est invincibilis ; alias non peccaret.*

16 *I answer.* This celebrated text of St. Thomas, which the adversaries at once urge, and which they boast never solved, never to be solved, does not fight even against us. For of our own accord we confess with the holy Doctor that everything done against the law formally is sin; because sin is defined : « A word, deed or desire against the law. » Whence to be formally against the law and to be sin are convertible. But that something be against the law formally, this law must be known, or morally able to be known, to exist; otherwise through defect of sufficient promulgation it will not be actually obliging, and what is done will not be formally against it, but materially only. Truly therefore says St. Thomas that everything done against the law formally, namely against the law virtually known, or invincibly unknown (for otherwise it is not done formally against the law), such as fornication, is always sin, and is not excused by its being according to conscience erring by vincible error dictating that to be licit. Moreover see more about this text, Dissert. on Probabilism, art. 3, obj. 3.

> Resp. *hunc celebrem textum S. Thomae, quem continuo regerunt adversarii, quemque jactitant nunquam solutum, nunquam solvendum, nequidem contra nos militare. Ultro enim fatemur cum S. Doctore, omne id quod agitur contra legem, scilicet formaliter, esse peccatum; quia definitur peccatum : «Factum, dictum, concupitum contra legem. » Unde esse formaliter contra legem, et esse peccatum, convertuntur. At vero, ut aliquid sit contra legem formaliter, debet sciri, aut posse moraliter sciri, hanc legem existere; alioquin defectu sufficientis promulgationis non erit actu obligans, et quod fiet non erit formaliter contra illam, sed materialiter tantum. Vere ergo dicit S. Thomas, omne quod agitur contra legem formaliter, scilicet contra legem virtualiter cognitam, seu vincibiliter ignoratam, sicut fornicatio (non enim aliter agitur formaliter contra legem), esse semper peccatum, et non excusari per hoc quod est secundum conscientiam errore vincibili dictantem id esse licitum. Caeterum plura vide circa hunc textum, Dissert. de Probabilitate, art. 3, obj. 3.*

17 *Obj.* 2° : Concupiscence and ignorance are two wounds of human nature inflicted by original sin. But every concupiscence is vincible. Therefore every ignorance is vincible. This is almost the sole foundation of the Louvanists from reason.

> Obj. *2° : Concupiscentia et ignorantia sunt duo vulnera naturae humanae per peccatum originale inflicta. Atqui omnis concupiscentia est vincibilis. Ergo et omnis ignorantia est vincibilis. Hoc est ferme unicum Lovaniensium fundamentum a ratione.*

18 *I answer. I distinguish* the minor. Every concupiscence is vincible as to its motions and stimuli, *I deny*. Experience shows it, and the Apostle thrice asked this of the Lord and obtained it not, *II Cor.*, XIII, 8. As to consent, *I concede*. And to this same Apostle it was said, ibid., 9: My grace is sufficient for thee. So likewise every ignorance is vincible as to consent; for man can not consent to any ignorance whatever, doing morally what in him lies to conquer it, and thus make himself immune from all culpable ignorance. But, just as he cannot arrest all involuntary motions of concupiscence, so neither all involuntary errors of ignorance.

Resp. *Dist. min. Omnis concupiscentia est vincibilis quantum ad ejus motus et stimulos, nego. Patet experientia, et id ter rogavit Dominum Apostolus, nec obtinuit,* II Cor.*, XIII, 8. Quantum ad consensum, conc. Et ad hoc eidem Apostolo dictum est, ibid., 9: Sufficit tibi gratia mea. Sic autem etiam omnis ignorantia est vincibilis quoad consensum; potest enim homo non consentire cuicunque ignorantiae, faciendo moraliter quod in se est ut eam vincat, et sic se reddere immunem ab omni ignorantia culpabili. Sed, sicut non potest sistere omnes motus involuntarios concupiscentiae, ita nec omnes errores involuntarios ignorantiae.*

19 But if perhaps the question be not of concupiscence and ignorance themselves, but of those things to which concupiscence does not impel, v. g., fornication, adultery, etc., and of things done out of ignorance, I grant that the former we can conquer and avoid, not the latter. The reason of the disparity is evident, because, if those things to which concupiscence impels us, for instance fornication, adultery, etc., we could not conquer and avoid, since they are elsewhere supposed known, nothing would be wanting to formal sin, and thus we should be necessitated to sin formally; which cannot be admitted. But supposing invincible ignorance, the things we do through it are unknown to us, and therefore material sins only, and not formal.

Quod si forte sit quaestio, non de ipsa concupiscentia et ignorantia, sed de his ad quae non impellit concupiscentia, v. g., fornicatione, adulterio, etc., et de his quae fiunt ex ignorantia, fateor quod priora possimus vincere et cavere, non posteriora. Ratio disparitatis est evidens, quia, si ea ad quae nos impellit concupiscentia, puta fornicationem, adulterium, etc., non possemus vincere et cavere, cum aliunde supponantur cognita, nihil deesset ad peccatum formale, sicque necessitaremur ad peccandum formaliter; quod admitti non potest. Supposita autem ignorantia invincibili, ea quae ex ipsa facimus sunt nobis incognita, ideoque peccata materialia tantum, et non formalia.

Whether invincible ignorance of the law of nature excuses from sin?

1 **I say** : Invincible ignorance of the law of nature excuses from formal sin the one acting from it. This is against Luther, Calvin, Jansenius and the Jansenists, defined by Alexander VIII, 7 December 1690, in the condemnation of this proposition: « Even if invincible ignorance of the law of nature be granted, in the state of fallen nature it does not excuse from formal sin the one acting from it. » It is the second among 31.

***Dico** : Ignorantia invincibilis juris naturae excusat a peccato formali operantem ex ea. Est contra Lutherum, Calvinum, Jansenium et Jansenistas, definita ab Alexandro VIII, 7 decembris 1690, in condemnatione hujus propositionis : « Tametsi detur ignorantia invincibilis juris naturae, haec in statu naturae lapsae operantem ex ipsa non excusat a peccato formali. » Est secunda inter 31.*

2 *It is proved* 1° from Sts. Augustine and Thomas. Aug., lib. III, de lib. Arbit., cap. 18, n. 50: « Is there so great a deceit [of ignorance] that it can by no means be guarded against? If it is so, there are no sins. » St. Thomas, here q. 76, a. 3, c, speaking of invincible ignorance in general, expressly says: « But if it be such ignorance as is altogether involuntary, either because it is invincible, or because it concerns what one is not bound to know, such ignorance altogether excuses from sin. »

Probatur *1° ex SS. Aug. et Thoma. Aug., lib. III, de lib. Arbit., cap. 18, n. 50: « An tanta fallacia [ignorantiae] est ut caveri omnino non possit? Si ita est, nulla peccata sunt. » S. Thomas, hic q. 76, a. 3, c, loquens de ignorantia invincibili generaliter, diserte dicit: « Si vero sit talis ignorantia, quae omnino sit involuntaria, sive quia est invincibilis, sive quia est ejus quod quis scire non tenetur, talis ignorantia omnino excusat a peccato.»*

3 *It is proved* 2° by this fundamental reasoning of St. Thomas. That which takes away from the act the character of the voluntary, and renders it involuntary, excuses from formal sin; for sin is a moral act,

consequently free and voluntary. But this is what invincible ignorance of the law of nature effects; for the voluntary is defined as « that which is from an intrinsic principle with knowledge of the end ». Therefore.

> Probatur 2° *hac ratione fundamentali S. Thomae. Id excusat a peccato formali, quod tollit ab actu rationem voluntarii, ipsumque reddit involuntarium; peccatum enim est actus moralis, consequenter liber et voluntarius. Atqui id praestat ignorantia invincibilis juris naturae; definitur enim voluntarium, « quod est a principio intrinseco cum cognitione finis.» Ergo.*

4 They answer that invincible ignorance of the law of nature, and the things done from it, are voluntary in us in Adam, since they are effects of that sin.

> *Respondent, ignorantiam invincibilem juris naturae, et ea quae ex ipsa fiunt, esse nobis voluntaria in Adamo, quippe quae sunt illius peccati effectus.*

5 *On the contrary* : 1° For personal sin there does not suffice the voluntary of nature, or in the head, but there is required the voluntary of the person, as Alexander VIII defined in the condemnation of this proposition: « In the state of fallen nature, for mortal sin and demerit there suffices that liberty by which it was free and voluntary in its cause, original sin and the will of Adam sinning. » It is the first among the condemned propositions (7 December 1690). 2° Because otherwise it would follow that the indeliberate motions of concupiscence which we suffer unwillingly, all the defects and miseries of this life, folly, frenzy, blindness, etc., and all the things that arise from these, would be formal sins; because they too are effects of original sin and voluntary in Adam.

> Sed contra *: 1° Ad peccatum personale non sufficit voluntarium naturae seu in capite, sed requiritur voluntarium personae, ut definivit Alex. VIII, in condemnatione hujus propositionis : « In statu naturae lapsae, ad peccatum mortale et demeritum sufficit illa libertas qua liberum ac voluntarium fuit in causa sua, peccato originali et voluntate Adami peccantis.» Est prima inter damnatas (7 decembris 1690. 2° Quia alias sequeretur quod motus indeliberati concupiscentiae quos inviti patimur, omnes defectus et miseriae hujus vitae, stultitia, phrenesis, caecitas, etc., et omnia quae ex his fiunt, essent peccata formalia; quia sunt etiam effectus peccati originalis et voluntariae in Adamo.*

6 *It is confirmed*. Invincible ignorance of positive law, even divine law, excuses from formal sin the one acting from it, the adversaries themselves confessing. Therefore also invincible ignorance of the law of nature. — Proof from consequence. Invincible ignorance of positive law excuses from formal sin because it itself is involuntary, and what is done from it is involuntary. But likewise invincible ignorance of the law of nature itself is involuntary, and what is done from it is involuntary. Therefore.

> Confirmatur. *Ignorantia invincibilis juris positivi, etiam divini, excusat a peccato formali operantem ex illa, fatentibus ipsis adversariis. Ergo et ignorantia invincibilis juris naturae.— Prob. conseg. Ideo ignorantia invincibilis juris positivi excusat a peccato formali, quia et ipsa est involuntaria, et quod fit ex ipsa est involuntarium. Atqui similiter ipsa ignorantia invincibilis juris naturae est involuntaria, et quod fit ex ipsa est involuntarium. Ergo.*

7 For the solution of the objections from Augustine, whom the Jansenists press most of all, it must be observed that in all the things objected from him the holy Doctor never speaks of ignorance of the natural law, but either determinately of ignorance of positive law, or generally of ignorance of whatever kind of law; whence these are to be solved by them, as by us. It must therefore be said that, when St. Augustine says that ignorance of the law does not excuse from sin, he speaks either of vincible and indirectly voluntary ignorance through negligence in learning, or of sin taken in a wide sense, for that which is from sin and leads on to sin, as it is taken by the Apostle and by the council

of Trid., sess. V, can. 2. « Not only that do we call sin, he says, lib. III de libero Arbit., c. 19, n. 54, which is properly called sin, for it is committed by free will and knowingly; but also that which now follows necessarily from the punishment of this. »

> *Pro solutione objectionum ex Aug., quem potissimum urgent Jansenistae, observandum quod in omnibus quae ex ipso opponunt, nunquam S. Doctor loquatur de ignorantia juris naturalis, sed vel determinate de ignorantia juris positivi, vel generaliter de ignorantia qualiscumque juris; unde sunt ab ipsis, sicut a nobis, solvenda. Dicendum itaque quod, quando S. Aug. dicit ignorantiam juris non excusare a peccato, loquatur vel de ignorantia vincibili et indirecte voluntaria in negligentia addiscendi, vel de peccato latius sumpto, pro eo quod est ex peccato et ad peccatum inducit, sicut sumitur ab Apostolo et a conc. Trid., sess. v, can. 2. « Non solum peccatum illud dicimus, inquit, lib. III de libero Arbit., c. 19, n. 54, quod proprie vocatur peccatum, libera enim voluntate et ab sciente committitur; sed etiam illud quod jam de hujus supplicio consequatur necesse est. »*

On inadvertence to sin

1 *Note* 1°. Inadvertence differs from ignorance, in that ignorance is the privation of habitual knowledge or cognition, inadvertence the privation of actual cognition. Whence, wherever there is ignorance, there is inadvertence, but not conversely; for he who knows habitually may not actually advert, from natural distraction, or from elsewhere.

> Nota *1°. Inadvertentia differt ab ignorantia, quod ignorantia sit privatio scientiae seu cognitionis habitualis, inadvertentia privatio cognitionis actualis. Unde, ubicumque est ignorantia, est inadvertentia, sed non e contra; potest enim ille qui scit habitualiter, actu non advertere, ex naturali distractione, vel aliunde.*

2 *Note* 2°. There can be inadvertence both to the act and to the malice, as in a drunkard or one sleeping. There can also be inadvertence to the act and

> Nota 2°. *Inadvertentia potest esse simul ad actum et ad malitiam, ut in ebrio aut dormiente. Potest etiam esse inadvertentia ad actum et*

3 [1]

[1] This definition was related above, dissert. 4, art. 2.

> *1*
>
> *1 Hac definitio fuit relata supra, dissert. 4, art. 2.*

4 inadvertence to the act without inadvertence to the malice, as in one who knowing that today is a fast day, eats meat, adverting indeed to the eating of meat, but not adverting to the fast day or prohibition; and of this inadvertence is the present question.

> *inadvertentia ad actum et inadvertentia ad malitiam, ut qui sciens esse hodie jejunium, comedit carnes, advertens quidem ad comestionem carnium, sed non advertens ad diem jejunii seu prohibitionem; et de hac inadvertentia est haec quaestio.*

5 *Note* 3°. As whatever invincible ignorance excuses from sin, because it makes the involuntary; so, for the same reason, whatever invincible inadvertence excuses from sin.

> Nota 3°. *Sicut quaecumque ignorantia invincibilis excusat a peccato, quia facit involuntarium; ita, propter eamdem rationem, quaecumque inadvertentia invincibilis excusat a peccato.*

6 All these things rest on what has been said of ignorance, and in this all theologians agree, that for sinning formally it is required that one be able and ought to advert to the malice, consequently that the inadvertence be vincible; but the difficulty is, when someone is held to be able thus to advert, that his inadvertence be called vincible and not excusing from sin. A question made celebrated from the rise of philosophical sin. Some require an actual thought, at least confused, of the malice of the act, situated in some doubt, or scruple or suspicion of malice. Others will that it suffice if he advert to the act; because thence, they say, he can advert to the malice. We judge both opinions, generally understood, less true, and between these extremes we hold the middle way which we held above, when treating of the notion of invincible ignorance; for the same reason seems to us to hold of invincible inadvertence. Whence **I say** 1°: That inadvertence to the malice of the act be held vincible and not excusing from formal sin, an actual scruple is not always required, whether doubt or suspicion of the malice of the act.

> *Haec omnia constant ex dictis de ignorantia, atque in hoc conveniunt omnes theologi, quod ad peccandum formaliter requiratur quod quis possit et debeat advertere ad malitiam, consequenter quod inadvertentia sit vincibilis; sed difficultas est, quando quis censetur sic posse advertere, ut ejus inadvertentia dicatur vincibilis et non excusans a peccato. Quaestio facta celebris ab ortu peccati philosophici. Quidam requirunt actualem cogitationem, saltem confusam, de malitia actus, sitam in quodam dubio, vel scrupulo aut suspicione malitiae. Alii volunt sufficere, si advertat ad actum; quia inde, inquiunt, potest advertere ad malitiam. Nos utramque sententiam generaliter intellectam minus veram arbitramur, et inter haec extrema mediam tenimus viam, quam supra tenuimus, agentes de notione ignorantiae invincibilis; eadem enim nobis videtur ratio de inadvertentia invincibili. Unde **Dico** 1°: Ut inadvertentia ad malitiam actus censeatur vincibilis et non excusans a peccato formali, non semper requiritur actualis sive scrupulus, sive dubitatio aut suspicio de malitia actus.*

7 *It is clear* 1° in those who sin from vincibly ignorant; these certainly have no actual scruple, doubt or suspicion of the malice of their act, since they are ignorant of it, and yet their inadvertence is vincible, like the very ignorance from which it proceeds. And under this head sins of ignorance are often so called in Scripture and the Fathers.

> Patet *1° in his qui peccant ex ignorantia vincibili; hi enim pro certo nullum actualem scrupulum, dubium aut suspicionem habent de malitia sui actus, cum illam ignorent, et tamen eorum inadvertentia est vincibilis, sicut ipsa ignorantia ex qua procedit. Et ex hoc capite saepe in Scripturis et Patribus dicuntur peccata ignorantiae.*

8 *It is clear* 2° in those who, although perhaps they know habitually, yet voluntarily place elsewhere the cause of inadvertence, namely through depraved habits which they foster, through passions to which they give themselves wholly, through supine carelessness of salvation, and similar ways, whereby it comes about that they have sins as it were innate, and are blind about their malice, and do not advert to it at all; for that these impious, worldly, hardened, blinded men, and such like, whenever they are carried away by the motions of the passions, are always struck by an actual scruple, doubt, suspicion of the malice of their acts, or by some pious thought, is utterly alien from experience and reason. For who would believe this of Tiberius, Nero, Caligula, Heliogabalus and similar monsters of men? Yet nevertheless their inadvertence is vincible and voluntary, not excusing from formal sin. Therefore. — The *minor* is proved. 1° Because otherwise the crimes and abominations of most lost men would have to be excused, which no one grants. 2° Because an evil effect following upon a voluntarily posited cause in which it was foreseen, or could easily have been foreseen, is voluntary and culpable, as we have more than once said elsewhere. But those of whom

here is the question voluntarily place the causes of inadvertence and blindness concerning the malice of their acts, and either foresee that this inadvertence and blindness will follow from these causes, or can easily foresee it. Therefore.

> Patet 2° *in his qui, quamvis forte habitualiter sciant, aliunde tamen voluntarie ponunt causam inadvertentiae, nimirum per pravos habitus quos fovent, per passiones quibus se totos dedunt, per supinam salutis incuriam, et similes modos, quibus fit ut peccata quasi innata habeant, et circa eorum malitiam coecutiant, ad eamque nullatenus attendant; hos enim impios, mundanos, obduratos, excaecatos, et iis similes, quoties passionum motibus efferuntur, actuali scrupulo, dubitatione, suspicione de malitia actuum suorum, aut pia aliqua cogitatione semper pulsari, ab experientia et ratione prorsus est alienum. Quis enim id credat de Tiberio, Nerone, Caligula, Heliogabalo et similibus hominum monstris? Atqui tamen eorum inadvertentia est vincibilis et voluntaria, a peccato formali non excusans. Ergo.* — Prob. *min. 1° Quia alioquin excusanda forent perditissimorum hominum flagitia et abominationes, quod nemo concedit. 2° Quia effectus malus sequens ad causam voluntarie positam in qua fuit praevisus, aut facile praevideri potuit, est voluntarius et culpabilis, ut alibi non semel diximus. Atqui hi de quibus hic est quaestio, ponunt voluntarie causas inadvertentiae et obcaecationis circa malitiam suorum actuum, eamque inadvertentiam et obcaecationem ex his causis secuturam aut praevident, aut facile praevidere possunt. Ergo.*

9 **I say** 2°: Outside these cases of the first conclusion, that is, as to those who do not voluntarily place the cause from which they foresee, or can easily foresee, that inadvertence will follow concerning the malice of their acts, but suffer such inadvertence either from oblivion or natural distraction, or from another inculpable cause: that this inadvertence be held vincible and voluntary and not excusing from sin, there is required, if not a determinate actual scruple, doubt or suspicion of malice, at least some thought or cognition, whether of danger, or of the obligation to inquire, or any other whatsoever, which, were it not neglected, would of itself lead to the knowledge of the malice.

> ***Dico** 2°: Extra hos casus primae conclusionis, hoc est quantum ad illos qui non ponunt voluntarie causam ex qua praevident aut facile praevidere possunt secuturam inadvertentiam circa malitiam suorum actuum, sed vel ex oblivione aut distractione naturali, vel alia causa inculpabili patiuntur inadvertentiam hujusmodi, ut censeatur vincibilis et voluntaria ista inadvertentia et non excusans a peccato, requiritur, si non determinate actualis scrupulus, dubitatio aut suspicio malitiae, saltem aliqua cogitatio aut cognitio sive periculi, sive obligationis inquirendi, sive quaecunque alia, quae, si non negligeretur, ex se condugeret ad cognitionem malitiae.*

10 It is proved, because, outside the cases of the first conclusion, nothing assignable exists besides cognition of this kind in which anyone could be said to be able to advert, and with this posited he can advert. — This latter is clear. — The former is proved: 1° Because, since on the one hand our intellect is a necessary power, it does not determine itself to considering or knowing something, but is determined by the object or by other powers, especially by the will. The will, on the other hand, cannot determine the intellect to consider except from some previous cognition which is not voluntary, because it precedes the first volition; for the will is not borne toward the unknown, whether in itself or in its cause; whence that saying: « Of the unknown there is no desire. » Therefore in those who do not voluntarily place the cause of inadvertence, but suffer it either from oblivion or natural distraction, or from another inculpable cause, and do not advert to the malice, nothing is assignable in which they are said to be able to advert besides the said thought. 2° If our intellect were of itself proximately and morally apt for inquiring into and driving away inadvertence, there would never be any invincible and involuntary inadvertence, as is clear. But the consequence is false, as experience shows and all confess. For the upright man who, knowing well that he is bound today to

fast, eats meat from natural oblivion, is excused by all on account of invincible inadvertence. Compare what I said of invincible ignorance.

> Probatur, *quia, extra casus primae conclusionis, nihil est assignabile, praeter hujusmodi cognitionem, in quo quis dici queat posse advertere, et hac posita potest advertere. — Hoc ultimum patet.* — Probatur *primum: 1° Quia, cum ex una parte intellectus noster sit potentia necessaria, non se determinat ad considerandum aut cognoscendum aliquid, sed determinatur ab objecto vel ab aliis potentiis, praesertim a voluntate. Voluntas, ex altera parte, non potest determinare intellectum ad considerandum, nisi ex praevia aliqua cognitione quae non sit voluntaria, quia praecedit primam volitionem; voluntas enim non fertur in incognitum, sive in se, sive in sua causa; unde illud: « Ignoti nulla cupido. » Ergo in his qui non ponunt voluntarie causam inadvertentiae, sed vel ex oblivione aut distractione naturali, vel ex alia causa inculpabili, non advertunt ad malitiam, nihil est assignabile in quo dicantur posse advertere, quam dictam cogitationem. 2° Si intellectus noster esset ex se proxime et moraliter potens ad inquirendam et depellendam inadvertentiam, nulla unquam esset inadvertentia invincibilis et involuntaria, ut patet. Atqui falsum consequens, ut experientia constat et omnes fatentur. Etenim vir probus qui apprime sciens se teneri hodie ad jejunium, ex oblivione naturali manducat carnes, ab omnibus excusatur propter inadvertentiam invincibilem. Confer quae dixi de ignorantia invincibili.*

11 *You will say*: By the very fact that one adverts to the act, he can advert to the malice. Therefore, if he does not advert, his is the fault, and the inadvertence is vincible.

> Dices*: Hoc ipso quo quis advertit ad actum, potest advertere ad malitiam. Ergo, si non advertat, ejus culpa est, et inadvertentia est vincibilis.*

12 *I answer.* First, that the falsity of the antecedent, generally understood, appears in the example soon brought forward. I distinguish therefore this antecedent. By the very fact that one adverts to the act, he can advert to the malice in external sins which are against the primary and secondary precepts of the natural law, *I concede the antecedent*; because they of themselves and easily impress their malice, and therefore, just as there is no invincible ignorance of them, so neither invincible inadvertence. In sins which are against positive precepts, or even remote natural ones of the third class, *I deny the antecedent*; because these, since they are obscure and of more difficult consideration, do not of themselves impress knowledge of their malice: whence, just as invincible ignorance of them is given, so also invincible inadvertence.

> Resp. *imprimis falsitatem antecedentis generaliter intellecti patere in exemplo mox allato. Dist. itaque istud antecedens. Hoc ipso quo quis advertit ad actum, potest advertere ad malitiam in peccatis externis quae sunt contra primaria et secundaria praecepta juris naturae, conced. ant.; quia ex se et facile ingerunt sui malitiam, et ideo, sicut non datur de iis ignorantia invincibilis, ita neque inadvertentia invincibilis. In peccatis quae sunt contra praecepta positiva aut etiam naturalia remota et tertiae classis,* nego *ant.; quia haec cum sint obscura et difficilioris considerationis, non ingerunt ex se suae malitiae notitiam: unde, sicut de iis datur ignorantia invincibilis, ita et inadvertentia invincibilis.*

13 I said: « In external sins against the primary and secondary precepts of the natural law, » such as thefts, homicides, adulteries, etc.; because as to internal motions about the same, it seems altogether to be conceded that invincible and involuntary inadvertence can be given, because far less than external acts do they impress their malice. Whence often those who are of timid conscience are obstinately vexed by motions of concupiscence, vengeance, rash judgment, etc., which indeed they feel [should read *sentiant*?] and advert to, without reflecting upon the malice; which as soon as they advert to it, they reject with horror and detest.

> *Dixi: « In peccatis externis contra primaria et secundaria praecepta juris naturalis, » ut sunt furta, homicidia, adulteria, etc.; quia quoad motus internos circa eadem, videtur omnino concedendum posse dari inadvertentiam invincibilem et*

involuntariam, quia longe minus quam actus externi ingerunt sui malitiam. Unde saepe qui sunt timoratae conscientiae, obstinate vexantur motibus concupiscentiae, vindictae, judicii temerarii, etc., quos quidem senthunt [sentiant?] et advertunt, absque eo quod reflectant ad malitiam, quam cum primo advertunt, illos cum horrore rejiciunt et detestantur.

14 *You will ask*: Aug., book I of the *Retract.*, c. 15, n. 3, teaches that for sin there is not required « the will of sinning, » but that « the will of the deed » suffices. But he who adverts to the act, even if he does not advert to the malice, has the will of the deed. Therefore.

Inst. *Aug., lib. I Retract., c. 15, n. 3, docet, ad peccatum non requiri « voluntatem peccati, » sed sufficere « voluntatem facti. » Atqui qui advertit ad actum, etsi non advertat ad malitiam, habet voluntatem facti. Ergo.*

15 *I answer.* I distinguish the antecedent. Augustine teaches that for material sin the will of the deed suffices, *I concede*; for formal sin, *I deny*.

Resp. *Dist. ant. Ang. docet, ad peccatum materiale sufficere voluntatem facti, conc.; ad peccatum formale,* nego.

Whether ignorance excuses from the penalties established by positive laws?

1 *I suppose* 1° that invincible ignorance of law or fact, which excuses from all sin, excuses from penalty, because just penalty is decreed only on account of guilt, otherwise it would be

Suppono *1° ignorantiam invincibilem juris aut facti, quae excusat ab omni peccato, excusare a poena, quia poena justa non decernitur nisi propter culpam, alioquin foret*

2 I said: « Which excuse from all sin; » because, if ignorance should excuse from sin against one law only, suppose a human law which is ignored, and not excuse from sin against another law, suppose divine or natural which is not ignored, I judge it more probable that the sinner be not exempted from penalty by human laws enacted, if there be no ecclesiastical censure; because the human legislator intends not only to urge by penalties observance of his own law, but also of natural or divine law, of which he ought to be guardian and protector. Whence a thief who, conscious of natural law, ignores theft to be prohibited by human law, nevertheless incurs the penalty of hanging.

Dixi : « Quae excusat ab omni peccato; » quia, si ignorantia excuset tantum a peccato contra aliquam legem, puta humanam quae ignoratur, et non excuset a peccato contra alteram legem, puta divinam aut naturalem quae non ignoratur, probabilius existimo peccantem non eximi a poena per legem humanam statuta, si non sit censura ecclesiastica; quia legislator humanus non solum intendit urgere per poenas observantiam suae legis, sed et legis naturalis aut divinae, cujus debet esse custos et protector. Unde fur qui, conscius legis naturalis, ignorat furtum esse prohibitum lege humana, incurrit nihilominus poenam suspendii.

3 *I suppose* 2° that vincible ignorance of law or fact which excuses from mortal also excuses from penalty at least so great, because positive laws are not reckoned to decree grave penalties for venial sins. But that vincible ignorance is reckoned as excusing from mortal which is not gross and supine; for thus it is reckoned light.

Suppono 2° *ignorantiam vincibilem juris aut facti quae excusat a mortali, etiam excusare a poena saltem tanta, quia leges positivae non censentur decernere graves poenas pro peccatis venialibus. Censetur autem ignorantia vincibilis excusans a mortali, quae non est crassa et supina; sic enim censetur levis.*

4 *I suppose* 3° that vincible ignorance, even gross and supine, of a law bearing penalty under these or similar formulas: « Whoever knowingly, rashly, with rash daring shall act against, or shall have dared to act against, or presumed, » excuses from penalty; because, as Cajetan says, 2ª 2ae, q. 53, a. 3, « the

words of law are not appended in vain nor to be taken improperly; » in vain would they be appended, nor would they be taken with restrictive propriety, if delinquents through ignorance even gross incurred the penalty. Otherwise, more probably, must be said if ignorance be affected; because, according to the laws, affected ignorance is equated with knowledge, and it is not likely that legislators wish to exempt from their laws and penalties those who affect to ignore them, that they may transgress them more freely.

> Suppono *3° ignorantiam vincibilem, etiam crassam et supinam, legis latae sub his aut similibus formulis: « Qui scienter, temerarie, ausu temerario contra fecerit, vel contra facere ausus fuerit, aut praesumpserit, » excusare a poena; quia, ut ait Cajetanus, 2ª 2ae, q. 53, a. 3, « verba juris non frustra apposita nec improprie sumenda sunt; » frustra autem essent apposita, nec cum proprietate restrictiva sumerentur, si poenam incurrerent delinquentes ex ignorantia etiam crassa. Secus probabilius videtur dicendum, si ignorantia sit affectata; quia, secundum jura, ignorantia affectata aequiparatur scientiae, et non est verisimile legislatores velle eximere a suis legibus et poenis eos qui affectant illas ignorare, ut eas liberius transgrediantur.*

5 The question therefore remains whether ignorance of penalty excuses from it him who sins gravely against a law he knows, or ignores through gross and supine ignorance. For whose resolution

> *Quaestio igitur superest, an ignorantia poenae excuset ab illa eum qui peccat graviter contra legem quam novit, aut ignorat ignorantia crassa et supina. Pro cujus resolutione*

6 **I say** 1°: Ignorance even invincible of penalty does not exempt from it him who sins gravely against a law which either he knows, or ignores through gross and supine ignorance, unless it be an ecclesiastical censure.

> ***Dico** 1°: Ignorantia etiam invincibilis poenae non eximit ab illa eum qui peccat graviter contra legem quam vel novit, vel ignorat ignorantia crassa et supina, nisi sit censura ecclesiastica.*

7 *It is proved*. Laws establish penalties condign to guilts. Ergo whoever commits guilt is liable to penalty, even though invincibly ignorant of it; for it is not of the nature of penalty that it be known or willed, since it has of itself that it be violent and against the will.

> Probatur. *Leges statuunt poenas condignas culpis. Ergo qui committit culpam, reus est poenae, etiamsi eam invincibiliter ignoret; non enim est de ratione poenae quod sit cognita aut volita, cum ex se habeat quod sit violenta et contra voluntatem.*

8 I said: « Unless it be an ecclesiastical censure. » For which **I say** 2°: Invincible ignorance of an ecclesiastical censure exempts from it one sinning knowingly against the law by which it is decreed. This is common opinion.

> *Dixi : « Nisi sit censura ecclesiastica. » Pro quo **Dico** 2°: Ignorantia invincibilis censurae ecclesiasticae eximit ab illa peccantem scienter contra legem per quam est decreta. Est communis.*

9 *It is proved*. That is special and proper to ecclesiastical censure, that it be not incurred except on account of contumacy against the Church — not in whatsoever manner, but against the Church commanding or prohibiting under censure, whose sign is that no one incur censure unless there precede warning of law or judge, not any whatsoever, but with threat of censure. Yet he who invincibly ignores the censure is not contumacious against the Church in this manner. Ergo.

> Probatur. *Id est speciale et proprium censurae ecclesiasticae, quod non incurratur nisi propter contumaciam contra Ecclesiam, non qualitercumque, sed contra Ecclesiam praecipientem aut prohibentem sub censura, cujus signum est quod*

nullus incurrat censuram, nisi praecedat monitio juris aut judicis, non qualiscumque, sed sub comminatione censurae. Atqui qui invincibiliter ignorat censuram, non est hoc modo contumax in Ecclesiam. Ergo.

10 *It is confirmed*. Ecclesiastical censure is not so much vindicative punishment in vengeance for crime as medicinal punishment deterring from crime. Yet unknown punishment does not deter. Ergo.

Confirmatur. *Censura ecclesiastica non tam est poena vindicativa in ultionem criminis, quam poena medicinalis deterrens a crimine. Atqui poena incognita non terret. Ergo.*

11 **I say** 3°: It seems more probable that ignorance even vincibile, provided it be not gross and supine, exempts from an ecclesiastical censure one sinning knowingly against the law by which it was established. So Sylvester, under Excommunicatio I, q. 3, Navarrus, Covarruvias, and many others.

***Dico** 3°: Probabilius videtur, ignorantiam etiam vincibilem, modo non sit crassa et supina, censurae ecclesiasticae eximere ab illa peccantem scienter contra legem per quam est statuta. Ita Sylvester, verbo Excommunicatio I, q. 3, Navarrus, Covarruvias, et alii multi.*

12 It is gathered from Cap. Ut animarum, de Constitutionibus in Sexto, lib. I, tit. 2, c. 2, where we have this: « Lest perils of souls be encountered, we do not will that those ignorant be bound by sentences issued through statutes of whatever Ordinaries, provided however their ignorance be not gross and supine. »

Colligitur ex Cap. Ut animarum, de Constitutionibus in Sexto, lib. I, tit. 2, c. 2, ubi habetur sic: « Ut animarum periculis obvietur, sententiis per statuta quorumcumque Ordinariorum prolatis ligari nolumus ignorantes, dum tamen eorum ignorantia non fuerit crassa et supina. »

13 The *Reason* supports it. He who ignores the censure, even though vincibly, but with lightly culpable ignorance not gross and supine, is not properly called disobedient and contumacious against the Church commanding or prohibiting under censure. Yet contumacy of this kind is required for incurring censure, as was said. Ergo. Otherwise, we judge, must be said of irregularity, even from delict, which we do not reckon a censure, as we shall say elsewhere.

Ratio *suffragatur. Qui ignorat censuram, etiamsi vincibiliter, sed ignorantia leviter culpabili non crassa et supina, non dicitur proprie inobediens et contumax contra Ecclesiam sub censura praecipientem aut prohibentem. Atqui hujusmodi contumacia requiritur ad incurrendam censuram, ut dictum est. Ergo. Secus existimamus dicendum de irregularitate, etiam ex delicto, quam non reputamus censuram, ut alibi dicemus.*

14 *You will ask* whether, as often as the will sins, some practical error precedes in the will.

Petes *utrum, quoties voluntas peccat, praecedat aliquis error practicus in voluntate.*

15 *I answer.* affirmatively [1]. Because insofar the will sins, insofar it prefers useful or delightful good, as

[1] Here q. 77, a. 2, o., et alibi.

Resp. *affirmative*[1]*. Quia in tantum voluntas peccat, in quantum praefert bonum utile aut delectabile, tamquam*

[1] *Hic q. 77, a. 2, o., et alibi.*

16 [1]

[1] Here q. 77, a. 2, o., et alibi.

1

[1] *Hic q. 77, a. 2, o., et alibi.*

17 fitting itself, to honest good. Yet the will, since it is a blind potency, born to follow the guidance of intellect, cannot prefer delightful good, as fitting itself, to honest good, unless the intellect judge here and now delightful good to be fitting itself and preferable to honest good: wherein practically it errs. Ergo. And in this sense is verified that *Prov.*, XIV, 22: They err that work evil. And this common saying taken from the Philosopher, I Ethic., c. 3: « Every sinner is ignorant, » namely practically and in particular, not speculatively and in common; otherwise every sinner would be heretic.

sibi conveniens, bono honesto. Atqui voluntas, cum sit potentia caeca, nata sequi ductum intellectus, non potest praeferre bonum delectabile, tamquam sibi conveniens, bono honesto, nisi intellectus judicet hic et nunc bonum delectabile esse sibi conveniens et praeferendum bono honesto: in quo practice errat. Ergo. Et hoc sensu verificatur illud Prov.*, XIV, 22 : Errant qui operantur malum. Et istud vulgatum desumptum ex Philosopho, I Ethic., c. 3 : « Omnis peccans est ignorans, » practice scilicet et in particulari, non speculative et in communi; alioquin omnis peccans foret haereticus.*

Whether God is a cause of sin?

1 *Note* 1°. Sin, as a concrete accident, imports two things, material and formal. The material is the act or entity; the formal is the malice or deformity. When we ask whether God be the cause of sin, the question is not of the material, but of the formal; as when I ask who made this statue, I ask not who made the wood, but who made the form or figure.

Nota *1°. Peccatum utpote concretum accidentale duo importat, materiale et formale. Materiale est actus seu entitas, formale est malitia seu difformitas. Dum quaerimus, utrum Deus sit causa peccati, non est quaestio de materiali, sed de formali; sicut dum quaero, quis fecerit statuam hanc, non quaero quis fecerit lignum, sed quis fecerit formam seu figuram.*

2 *Note* 2°. A twofold cause of sin can be distinguished: one per se and directly, as when someone impels to sin, concurs positively in it or flows into it; another per accidens and indirectly, as removing a prohibition, as when one does not hinder a sin which he can and ought to hinder. These things noted, **I say** 1°: God neither is nor can be the per se and direct cause of sin[2]; that is, God does not impel, move, instigate to sin, does not command it, does not do it, neither per se, nor through Satan or the impious as his instruments, as Calvin, Zwinglius and other here-

2 Ibid.

Nota *2°. Duplex distingui potest causa peccati: una per se et directe, ut cum quis impellit, concurrit positive seu influit in peccatum; altera per accidens et indirecte, tamquam removens prohibens, ut cum quis non impedit peccatum quod potest et debet impedire. His notatis,* ***Dico*** *1°: Deus nec est nec esse potest per se et directe causa peccati[2]; id est, Deus non impellit, movet, instigat ad peccatum, non jubet illud, non facit illud, neque per se, neque per Satanam aut impios, tamquam per sua instrumenta, ut docuerunt Calvinus, Zwinglius et alii haere-*

[2] *Ibid.*

3 1 2

1 Here q. 79, a. 1, o.

2 Ibid.

1 2

[1] *Hic q. 79, a. 1, o.*

[2] *Ibid.*

[4] *It is proved* 1° from the Scriptures. *Deut.*, XXXII, 4, it is said: The works of God are perfect, and all his ways judgments: God faithful and without any iniquity, just and right. *Rom.*, IX, 14: Is there injustice with God? Far be it! *Psal.*, V, 5: Not thou willing iniquity art God. *Eccli.*, XV, 12: Say not: He hath caused me to err, that is, deceived me and led me into sin. And afterwards, 21: He commanded no man to do wickedly. *Jacob.*, I, 13: Let no man when he is tempted say that he is tempted of God; for God is not the tempter of evils. I *Joann.*, III, 8: He who committeth sin is of the devil. *Sap.*, XI, 25: Thou hatest none of the things which thou hast made. And yet *Sap.*, XIV, 9: To God the ungodly and his ungodliness are hateful. And elsewhere often.

Probatur *1° ex Scripturis.* Deut., *XXXII, 4, dicitur: Dei perfecta sunt opera, et omnes viae ejus judicia: Deus fidelis et absque ulla iniquitate, justus et rectus.* Rom., *IX, 14: Numquid iniquitas apud Deum? Absit!* Psal., *V, 5 : Non Deus volens iniquitatem tu es.* Eccli., *XV, 12 : Non dicas : Ille me implanavit, id est, decepit et in peccatum induxit. Et postea, 21 : Nemini mandavit impie agere.* Jacob., *I, 13: Nemo cum tentatur dicat, quoniam a Deo tentatur; Deus enim intentator malorum est. I* Joann., *III, 8: Qui facit peccatum, ex diabolo est.* Sap., *XI, 25 : Nihil odisti eorum quae fecisti. Et tamen* Sap., *XIV, 9: Odio sunt Deo impius et impietas ejus. Et alibi saepe.*

[5] *It is proved* from the Fathers, who unanimously teach the conclusion. Whence Trid., sess. VI, can. 6: « If anyone shall say that it is not within the power of man to make his ways evil, but that evil works, as well as good ones, God works, not permissively only, but properly and per se, so that his own work is no less the treason of Judas than the calling of Paul; let him be anathema. »

Probatur *ex Patribus, qui unanimiter conclusionem docent. Unde Trid., sess. VI, can. 6 : « Si quis dixerit non esse in potestate hominis vias suas malas facere, sed mala opera, ita ut bona, Deum operari, non permissive solum, sed etiam proprie et per se, adeo ut sit proprium opus ejus non minus proditio Judae, quam vocatio Pauli; anathema sit. »*

[6] *It is proved* by reason. Every sin is by recession from order which has God as its end[1]. But it is impossible that God be cause, to himself or to others, of departing from the order which is unto himself. Therefore. — *Proof.* of the minor. God is the last end of all things, and consequently inclines and converts all things to himself as last end, according to that of *Prov.*, XVI, 4: The Lord made all things for himself. Therefore.

[1] Ibid.

Probatur *ratione. Omne peccatum est per recessum ab ordine qui est in Deum sicut in finem*[1]*. Atqui impossibile est quod Deus sit sibi vel aliis causa discedendi ab ordine, qui est in ipsum. Ergo.* — Prob. *min. Deus est ultimus finis omnium, et omnia consequenter inclinat et convertit ad seipsum ut finem ultimum, juxta illud* Prov., *XVI, 4 : Universa propter semetipsum fecit Dominus. Ergo.*

[1] *Ibid.*

[7] *It is confirmed.* A just will, as St. Anselm says, lib. de Lib. arbit., c. 8, is that which wills what God wills it to will. Therefore, if God will it to sin, by sinning it wills what God wills it to will, and at once God wills it not to will, and on account of which he punishes it; which is manifestly contradictory.

Confirmatur. *Justa voluntas, ut dicit S. Anselm., lib. de Lib. arbit., c. 8, est quae vult id quod Deus vult illam velle. Ergo, si Deus vult illam peccare, peccando vult quod Deus vult illam velle, et simul Deus non vult illam velle, et propter quod illam punit; quod est manifeste contradictorium.*

8 2° No just reason can be assigned why God should will and make men to sin. Therefore. — *Proof.* of the antecedent. The heretics assign no other reason, nor can they assign any, but this, namely

> *2° Nulla potest assignari justa ratio cur Deus velit et faciat homines peccare. Ergo.* — Prob. *ant. Non aliam assignant haeretici, neque assignare possunt, quam hanc, scilicet*

9 [1]

[1] Ibid.

> *[1]*
>
> *[1] Ibid.*

10 that God have those whom he may pity and whom he may punish, and thus mercy and justice shine forth. But from this, that God wills and makes men to sin, pities some, punishes others, mercy and justice by no means shine forth therefrom, but rather injustice and cruelty appear. Therefore. — *Proof.* of the minor. Although in punishing an unjust man justice appears, nevertheless to make an unjust man, that he be punished, is not justice, but supreme injustice; for this is not to intend punishment on account of guilt, but guilt on account of punishment, which is wholly disordered and unjust. Nor is it mercy, but rather cruelty, to make a man impious, that he be freed from impiety; as it would be cruel to wound a man that he be healed. Therefore.

> *ut Deus habeat quorum misereatur et quos puniat, sicque eluceant misericordia et justitia. Atqui, ex hoc quod Deus velit et faciat homines peccare, et aliquorum misereatur, alios puniat, nullatenus inde elucent misericordia et justitia, quin potius apparet injustitia et crudelitas. Ergo.* — Prob. *min. Quamvis in puniendo injustum appareat justitia, attamen efficere injustum, ut puniatur, non est justitia, sed summa injustitia; hoc enim non est intendere poenam propter culpam, sed culpam propter poenam, quod est omnino inordinatum et injustum. Neque est misericordia, sed potius crudelitas, efficere hominem impium, ut ab impietate liberetur; sicut crudele esset hominem vulnerare, ut sanetur. Ergo.*

11 **I say** 2°: Neither per accidens and indirectly is God the cause of sin; because then alone is anyone said to be the per accidens and indirect cause of sin, namely as removing a prohibition, when he can and ought to hinder sin and hinders it not; as a pilot is not said to be the cause of the sinking of a ship from this, that he does not steer the ship, unless he withdraw his steering, able and bound to steer. But God, according to the laws of his wisdom and universal providence, is not bound to hinder the sins which he permits. Therefore.

> ***Dico** 2°: Neque per accidens et indirecte Deus est causa peccati; quia tunc tantum quis dicitur causa per accidens et indirecte peccati, nimirum ut removens prohibens, quando potest et debet impedire peccatum et non impedit; sicut gubernator non dicitur causa submersionis navis ex hoc quod non gubernat navim, nisi quando subtrahit gubernationem, potens et debens gubernare. Atqui Deus, secundum leges suae sapientiae et providentiae universalis, non tenetur impedire peccata quae permittit. Ergo.*

12 *You will ask* 1°, about q. 80 of St. Thomas, whether and how the devil is the cause of men's sins.

> Petes *1°, circa q. 80 S. Thomae, an et quomodo diabolus sit causa peccatorum hominum.*

13 *I answer.* 1° It is certain that the devil is in some way the cause of men's sins[2]. It is manifest because he led Eve into sin, tempted Job, and daily tempts men: whence that of I *Petr.*, V, 8: Your adversary the devil goeth about like a roaring lion, seeking whom he may devour.

[2] Here q. 80, a. 1, o.

> Resp. *1° Certum est diabolum aliquo modo esse causam peccatorum hominum*[2]*. Patet quia induxit Evam in peccatum, tentavit Job, et quotidie tentat homines: unde illud I* Petr.*, V, 8: Adversarius vester diabolus, tamquam leo rugiens, circuit quaerens quem devoret.*
>
> [2] *Hic q. 80, a. 1, o.*

14 2° The devil cannot be the direct and sufficient cause of sin[3]; because he cannot be the cause of sin, except either by acting interiorly upon the will and moving it to sin, or by proposing the object and persuading its appetibility. But the first he cannot do; for to move the will interiorly by acting upon it belongs to God alone.

[3] Ibid.

> *2° Diabolus non potest esse causa peccati directe et sufficienter*[3]*; quia non potest esse causa peccati, nisi vel agendo interius in voluntate et eam movendo ad peccatum, vel proponendo objectum et persuadendo ejus appetibilitatem. Atqui primum non potest; est enim solius Dei movere voluntatem interius in eam agendo.*
>
> [3] *Ibid.*

15 [1] [2] [3]

[1] Ibid.

[2] Here q. 80, a. 1, o.

[3] Ibid.

> *[1] [2] [3]*
>
> [1] *Ibid.*
>
> [2] *Hic q. 80, a. 1, o.*
>
> [3] *Ibid.*

On Original Sin

1 The second does not suffice, because the will is moved of necessity by no object except by the last end alone.

> *Secundum non sufficit, quia voluntas a nullo objecto de necessitate movetur, nisi a solo ultimo fine.*

2 3°. Therefore the devil alone can be for men a moral and indirect cause of sin[1], inasmuch as he proposes to the senses, whether internal or external, some appetible thing, stirs the sensitive appetite and the phantasy, and thence persuades reason that it is good and to be chosen.

[1] Ibid.

> *3° Potest ergo dumtaxat diabolus esse hominibus causa moralis et indirecta peccati*[1]*, quatenus proponit sensibus sive internis sive externis aliquid appetibile, commovet appetitum sensitivum et phantasiam, et hinc suadet rationi illud esse bonum et eligibile.*
>
> [1] *Ibid.*

3 *You will ask* 2° how external sensible things become causes of sins.

> Petes *2° quomodo sensibilia externa fiant causae peccatorum.*

4 *I answer.* External sensible things become causes of sins by moving the sensitive appetite. For when the sense is stirred by some object, it proposes it to the appetite, and the appetite allures reason; if reason fail from the consideration of the rule, it approves the delectable as such and offers it to the will; and if the will consent, it perfects the sin.

> Resp. *Sensibilia externa movendo appetitum sensitivum causae peccatorum fiunt. Cum enim ab aliquo objecto commovetur sensus, illud proponit appetitui, et appetitus allicit rationem ; si ratio deficiat a consideratione regulae, approbat delectabile ut tale et voluntati illud offert; cui si voluntas consentiat, perficit peccatum.*

5 There follows concerning the cause of sin on the part of man, that is, concerning original sin. Wherefore let there be

> *Sequitur de causa peccati ex parte hominis, hoc est de peccato originali. Pro quo sit*

6 St. Thomas, qq. 81, 82, 83.

> *D. Thomas, qq. 81, 82, 83.*

Whether there is an original sin transmitted from Adam to his posterity?

1 By original sin we understand that which we contract by birth from Adam, who, having been constituted by God head, not only natural but also moral, of all men to be propagated from him seminally, supposed for us and contained in his will

> *Per peccatum originale intelligimus illud quod nascendo contrahimus ex Adamo, qui cum esset constitutus a Deo caput, non solum naturale, sed etiam morale omnium hominum ab ipso seminaliter propagandorum, supposebat pro nobis et continebat in sua voluntate*

2 [1]

[1] Ibid.

> *1*
>
> *[1] Ibid.*

3 our wills, so that, when he sinned, at the same time we sinned in him. Wherein the essence of this sin consists, we shall say below; but meanwhile, whatsoever it be, that it is true sin by which we are infected and are born children of wrath is a Catholic dogma, which we here undertake to prove against heretics.

> *voluntates nostras, ita ut, dum peccavit, simul in eo peccavimus. In quo consistat essentia hujus peccati, dicemus infra; sed interim, quidquid sit, esse verum peccatum quo inficimur et nascimur fili irae, dogma est catholicum, quod hic probandum suscipimus adversus haereticos.*

4 That original sin exists in the posterity of Adam was first denied of all by Pelagius, then by his disciples Julian and Caelestius, contending that Adam harmed himself alone, not his posterity, except by example.

> *Dari peccatum originale in posteris Adae, primus omnium negavit Pelagius, deinde ejus discipuli Julianus et Caelestius, contendentes Adam sibi soli nocuisse, non posteris, nisi exemplo.*

5 *I say*: According to the Catholic faith it must be held that original sin is transmitted to the posterity of Adam [1].

[1] Here q. 81, a. 1, o.

> Dico *: Secundum fidem catholicam, tenendum est peccatum originale traduci in posteros Adae*[1].
>
> [1] *Hic q. 81, a. 1, o.*

[6] *It is proved* 1°. The Apostle, to the *Rom.*, V, 12, says: By one man sin entered into this world, and by sin death; and so death passed upon all men, in whom all have sinned. Ergo, according to the Apostle, some sin entered into this world, which constituted all men sinners and liable to death. — *I subjoin*. Yet that sin is not actual personal sin, since infants, who are liable to death, are not capable of it. Ergo original.

> Probatur *1°. Apostolus, ad* Rom.*, V, 12, dicit : Per unum hominem peccatum in hunc mundum intravit, et per peccatum mors, et ita in omnes homines mors pertransiit, in quo omnes peccaverunt. Ergo, juxta Apostolum, aliquod peccatum in hunc mundum intravit, quod omnes homines constituit peccatores et morti obnoxios.* — Subsumo. *Atqui istud peccatum non est actuale personale, cum infantes, qui morti sunt obnoxii, non sint illius capaces. Ergo originale.*

[7] This proof is *confirmed* from the same Apostle, II ad *Cor.*, v, 14 and 15: If one, he says, died for all, therefore all were dead; and Christ died for all. « Deny, says Aug. to Julian, lib. VI against him, cap. 9, n. 24, that Christ died even for little ones, in order to remove them from the number of the dead, that is, from the contagion of sins. If he died for them also, ergo they also were dead. » There is ergo some sin whereby newborn infants are said to be dead: and what is that but original? Likewise to the *Ephes.*, II, 3: We were by nature, that is, from birth and origin, children of wrath.

> Confirmatur *haec probatio ex eodem Apostolo, II ad* Cor.*, v, 14 et 15 : Si unus, inquit, pro omnibus mortuus est, ergo omnes mortui sunt, et pro omnibus mortuus est Christus. « Nega, inquit Aug. Juliano, lib. VI contra ipsum, cap. 9, n. 24, Christum etiam pro parvulis mortuum, ut eximas eos de numero mortuorum, hoc est, de contagio peccatorum. Si et pro ipsis mortuus est, ergo et ipsi mortui sunt. » Est ergo peccatum aliquod quo infantes recens nati dicuntur mortui: et hoc quid est aliud, nisi originale? Item ad* Ephes.*, II, 3 : Eramus natura, id est, a nativitate et origine, filii ira.*

[8] It is *proved* 2° from the councils. The Council of Palestine, which Aug. mentions, Epist. 186 [2]; that of Milevis in Africa, in the year 416; Innocent I confirming the council of Milevis; Zosimus, Epist. to the bishops of the whole world, which Aug. mentions, Epist. 190 [3];

[2] Formerly 106.

[3] Formerly 157.

> Probatur *2° ex conciliis. Concilium Palaestinum, cujus meminit Aug., Epist. 186*[2]*; Milevitanum in Africa, anno 416; Innoc. I confirmans conc. Milev.; Zosimus, Epist. ad episcopos totius orbis, cujus meminit Aug., Epist. 190*[3]*;*
>
> [2] *Olim 106.*
>
> [3] *Olim 157.*

[9] 1 2 3

[1] Here q. 81, a. 1, o.

[2] Formerly 106.

[3] Formerly 157.

> *1 2 3*
>
> [1] *Hic q. 81, a. 1, o.*

[2] *Olim 106.*

[3] *Olim 157.*

10 the conc. of Florence, in the letters of union; finally Trent, sess. v, decree on original sin 1, can. 2, defined under anathema the Catholic dogma of the transmission of original sin to the posterity of Adam [1].

[1] « If anyone asserts that the prevarication of Adam harmed himself alone, and not his progeny, and that the holiness and justice received from God, which he lost, he lost for himself alone and not also for us; or that he, defiled through the sin of disobedience, transferred death and penalties of the body only upon the whole human race, but not sin also, which is the death of the soul; let him be anathema: since he contradicts the Apostle who says: By one man sin entered into the world, and by sin death; and so death passed upon all men, in whom all have sinned. »

conc. Florent., in litteris unionis; tandem Trid., sess. v, decreto de peccato originali 1, can. 2, definierunt sub anathemate dogma catholicum de traductione peccati originalis in posteros Adae[1].

[1] *« Si quis Adae pravaricationem sibi soli, et non ejus propagini, asserit nocuisse, et acceptam a Deo sanctitatem et justitiam, quam perdidit, sibi soli et non nobis etiam eum perdidisse; aut inquinatum illum per inobedientiae peccatum, mortem et poenas corporis tantum in omne genus humanum transfudisse, non autem et peccatum, quod mors est anima; anathema sit : cum contradicat Apostolo dicenti : Per unum hominem peccatum intravit in mundum, et per peccatum mors; et ita in omnes homines mors pertransiit, in quo omnes peccaverunt. »*

11 It is proved by theological reasons [2]. Since this truth hangs on the will of God alone, it cannot be proved except by reasons deduced from revealed principles. The first reason, and that a peremptory one, which the holy Fathers chiefly urged, is sought from baptism conferred on infants, and is thus proposed. It is apostolic tradition, and that confirmed by perpetual and constant usage of the Church, that newborn infants, especially if their life be endangered, are to be baptized. Thus teach St. Dionysius, *de coelest. Hierarchia*, last chapter; Origen, *Hom.* vi in Levit.; Cyprian, lib. III, Epist. 8; Jerome, lib. III against the Pelagians; Aug., lib. IV contra Donat., c. 24. Nor did the Pelagians deny it, nor Zwinglius and Erasmus. This tradition, however, kept and confirmed with such solicitude of the Church, is founded on the words of Christ, *Joann.*, III, 5: *Unless a man be born again of water and the Holy Spirit, he cannot enter into the kingdom of God.* Yet baptism is conferred for the remission of some sin. Ergo infants are defiled with sin from birth.

[2] Here q. 81, a. 1, c.

Probatur rationibus theologicis[2]*. Cum haec veritas a sola Dei voluntate pendeat, probari non potest nisi rationibus deductis ex principiis revelatis. Prima ratio, eaque peremptoria, quam praecipue urgebant SS. Patres, petitur ex baptismo infantibus collato, et sic proponitur. Apostolica traditio est, eaque perpetuo et constanti usu Ecclesia firmata, infantes recens natos, praesertim si eorum vita periclitetur, esse baptizandos. Ita docent S. Dionysius,* de coelest. Hierarchia*, cap. ult.; Origenes,* Hom. *vi in Levit.; Cyprianus, lib. III, Epist. 8; Hieronymus, lib. III adversus Pelagianos; Aug., lib. IV contra Donat., c. 24. Neque id negarunt Pelagiani, Zwinglius et Erasmus. Haec autem traditio tanta Ecclesiae sollicitudine servata et firmata fundatur in verbis Christi,* Joann.*, III, 5 :* Nisi quis renatus fuerit ex aqua et Spiritu sancto, non potest introire in regnum Dei. *Atqui baptisma confertur in remissionem alicujus peccati. Ergo infantes inquinantur peccato a nativitate.*

[2] *Hic q. 81, a. 1, c.*

12 The Pelagians deny the minor, saying that baptism is conferred on infants, not for the remission of sin, nor to obtain eternal life, but that they might have right to the kingdom, according to the words of Christ praised before. For they distinguished eternal beatitude from the kingdom. Therefore

Minorem negant Pelagiani, dicentes baptisma conferri infantibus, non in remissionem peccati, neque ad consequendam vitam aeternam, sed ut haberent jus ad regnum, juxta verba Christi prius laudata. Distinguebant enim aeternam beatitudinem a regno. Itaque

13 The min. is proved. First reason. 1° It is the express sentence of Scripture, *Act.*, II, 38: *Let every one of you be baptized in the name of Jesus Christ, for the remission of sins.*

Probatur min. Prima ratio. 1° Est expressa sententia Scripturae, Act.*, II, 38 :* Baptizetur unusquisque vestrum in nomine Jesu Christi, in remissionem peccatorum.

14 2° Those who are baptized are cleansed and washed. It appears both from the form of baptism, *I baptize thee*, that is, I wash thee; and from the Scriptures, *Ephes.*, V, 26: *Cleansing it by the laver of water in the word of life; to Titus*, III, 5: *By the laver of regeneration and renovation; Act.*, XXII, 16: *Be baptized and wash away thy sins*, invoking his name. Yet no one is cleansed or washed who has not filth and stains. Ergo.

2° Qui baptizantur, mundantur et abluuntur. Patet tum ex forma baptismi, baptizo te*, id est, abluo te; tum ex Scripturis,* Ephes.*, V, 26 :* Mundans eam lavacro aquae in verbo vitae; ad Titum*, III, 5 :* Per lavacrum regenerationis et renovationis; Act.*, XXII, 16 :* Baptizare et ablue peccata*, invocato nomine ipsius. Atqui non mundatur aut lavatur, nisi qui sordes et maculas habet. Ergo.*

15 The second reason is sought from the ceremonies of baptism, namely from exorcism and exsufflation, by which the unclean spirit is driven away. Ergo before baptism that spirit held the infant captive through sin. The use of these ceremonies however has always been practiced in the Church, and from it Aug. argues everywhere against the Pelagians.

Secunda ratio petitur ex caeremoniis baptismi, nimirum ex exorcismo et exsufflatione, quibus spiritus immundus abigitur. Ergo ante baptismum ille spiritus tenebat infantem captivum per peccatum. Usus autem istarum caeremoniarum fuit semper usurpatus in Ecclesia, et ex illo Aug. passim arguit contra Pelagianos.

16 Third reason. Christ, according to the Scriptures, and especially according to the Apostle, is Redeemer of all, even of little ones. Yet redemption presupposes captivity and damnation, damnation sin; and little ones can be held captive by no other sin than original. Ergo.

Tertia ratio. Christus, juxta Scripturas, et maxime juxta Apost., est Redemptor omnium, etiam parvulorum. Atqui redemptio supponit captivitatem et damnationem, damnatio peccatum, neque parvuli ullo alio peccato quam originali captivari possunt. Ergo.

17 Fourth reason. Death is the penalty of sin, according to that *Rom.*, VI, 23: *The wages of sin is death*, and that *Genes.*, II, 17: *In what day soever thou shalt eat of it, thou shalt die the death.* Yet all die, even infants who have not sinned by their own will. Ergo.

Quarta ratio. Mors est poena peccati, juxta illud Rom.*, VI, 23 :* Stipendia peccati mors*, et illud* Genes.*, II, 17 :* In quacumque die comederis ex eo, morte morieris. *Atqui moriuntur omnes, etiam infantes qui propria voluntate non peccaverunt. Ergo.*

18 This reason is *confirmed*. Man is born subject, not only to the necessity of dying, but to various troubles and miseries, cares, pains, infirmities, sorrows, ignorances, hunger, thirst, cold and concupiscences, worse than brutes. Yet nature, as soon as it was created by God and before it fell, was not subject to all these miseries and troubles; for God, as is said *Sap.*, II, 23 and 24: *Overlaid the incorruptible man... But by the envy of the devil death came into the world.* And *Eccles.*, VII, 30: *This have I*

found, that God made man right, and he hath entangled himself with an infinity of questions. Ergo all these miseries and troubles are effects of sin common to all; for common punishment shows that common guilt preceded.

> *Confirmatur haec ratio. Homo nascitur obnoxius, non solum necessitati moriendi, sed variis aerumnis et miseriis, curis, doloribus, infirmitatibus, tristitiis, ignorantiis, fami, siti, frigori et concupiscentiis, pejus quam bruta. Atqui natura, ut primum fuit a Deo creata et antequam caderet, non erat obnoxia his omnibus miseriis et aerumnis; Deus enim, ut dicitur* Sap., *II, 23 et 24 :* Gravavit hominem inexterminabilem... Invidia autem diaboli mors intravit in orbem terrarum. *Et* Eccles., *VII, 30 :* Hoc inveni, quod fecerit Deus hominem rectum, et ipse se infinitis miscuerit quaestionibus. *Ergo haec omnes miseriae et aerumnae sunt effectus peccati communis omnibus; communis enim poena ostendit communem praecessisse culpam.*

19 A twofold difficult objection is solved.

> *Solvitur duplex objectio difficilis.*

20 First objection. If original sin be truly and properly sin, it ought to be voluntary. Yet original sin is not voluntary. Ergo.

> *Prima objectio. Si peccatum originale sit vere et proprie peccatum, debet esse voluntarium. Atqui peccatum originale non est voluntarium. Ergo.*

21 Before the answer, I suppose 1° that original sin is truly and properly sin, whereby we are by nature children of wrath, *Ephes.*, II, 3, and enemies, *Rom.*, v, 10. And so it was defined in conc. Arausicanum II, can. 2, and in Trent, sess. v, can. 2 and 5 [1].

[1] Canon 2 was related above at probat. 2°. — Can. 5: « If anyone denies that the guilt of original sin is remitted through the grace of Jesus Christ our Lord which is conferred in baptism; or even asserts that not only that is taken away which has the true and proper nature of sin, but says that it is only erased or not imputed; let him be anathema. »

> *Ante responsionem, suppono 1° peccatum originale esse vere et proprie peccatum, quo sumus natura filii irae,* Ephes., *II, 3, et inimici,* Rom., *v, 10. Atque ita definitum est in conc. Arausicano II, can. 2, et in Trid., sess. v, can. 2 et 5*[1].
>
> [1] *Canon 2 supra relatus fuit ad probat. 2°. — Can. 5 : « Si quis per Jesu Christi Domini nostri gratiam quae in baptismate confertur, reatum originalis peccati remitti negat; aut etiam asserit, non tolli tantum id quod veram et propriam peccati rationem habet, sed illud dicit tantum radi aut non imputari; anathema sit. »*

22 I suppose 2° that original sin is not of the genus of actual sins, but habitual, consisting in the privation of original justice, as I shall say below. Now habitual sin is not voluntary formally, but terminatively or virtually and in cause, inasmuch as it is the term and effect of actual sin.

> *Suppono 2° peccatum originale non esse de genere peccatorum actualium, sed habitualium, consistens in privatione justitiae originalis, ut dicam infra. Peccatum autem habituale non est voluntarium formaliter, sed terminative seu virtualiter et in causa, quatenus est terminus et effectus peccati actualis.*

23 As to the actual sin of Adam, indeed it is transmitted into us, according to that of the Apostle, *Rom.*, v, 12: *In whom all have sinned*, but morally only and extrinsically denominatively, because a second act denominates intrinsically only him from whom it is and in whom it inheres; although we were in Adam when he sinned, nevertheless we were not in him actually, but only in potency. Whence, just as the denomination of the future is only extrinsic, so we are denominated extrinsically

to have sinned in Adam. But original sin is formally and intrinsically in us, or, as Trent says, sess. v, can. 3, « it is proper to each one and inherent in him. »

> *Quantum ad peccatum actuale Adae, in nos quidem traducitur, juxta illud Apost.,* Rom., *v, 12 :* In quo omnes peccaverunt*, sed moraliter tantum et denominative extrinsece, quia actus secundus solum denominat intrinsece eum a quo est, et in quo inest; quamvis autem fuerimus in Adam quando peccavit, non tamen in eo eramus actu, sed potestate tantum. Unde, sicut denominatio futuri est tantum extrinseca, ita extrinsece denominamur peccasse in Adam. At peccatum originale est formaliter et intrinsece in nobis, seu, ut dicit Trid., sess. v, can. 3, « inest unicuique proprium. »*

24 I suppose 3° that Adam was constituted by God head, not only natural but also moral, of all men, with regard to the conservation or loss of original justice; so that Adam himself and all his posterity should be reckoned as one body, of which Adam himself is head, and bears the person of all, in that wherein he is head, and the will of himself as head should be the will of all posterity, and thus whatever he willed in the character of head they too willed, not by proper and personal will, but by the common will of their head.

> *Suppono 3° Adamum fuisse a Deo constitutum caput, non solum naturale, sed etiam morale omnium hominum, quantum ad conservationem aut amissionem justitiae originalis; ita ut ipse Adam et omnes ejus posteri censeri debeant tamquam unum corpus, cujus ipse Adam sit caput, atque gerat personam omnium, in eo in quo est caput, et voluntas ipsius in ratione capitis sit voluntas omnium posterorum, sicque quidquid vellet in ratione capitis ipsi etiam vellent, non voluntate propria et personali, sed communi voluntate sui capitis.*

25 I suppose 4° that God could thus decree and dispose without any injustice: 1° Because, since he is supreme Lord of all, and, as Aug. says, lib. *de Corrept. et Gratia*, c. 14, n. 45, « has more in his power our wills than we ourselves, » as we can transfer our will to another, so God by his right could, our consent not required, since then we were not actual, transfer our wills into the will of Adam: not insofar as we are singular persons, for thus each one has his own will and is arbiter of himself; but insofar as we are parts and members of the whole nature to be propagated from Adam. Something similar happens in human affairs, while a prince includes the will of the ward in the will of the tutor, as regards civil acts, or while a magistrate acts in the name of the whole community with the king, exhibiting to him the oath of fidelity to him. 2° Because that decree was for our good and benefit; for if God had bound us by his precepts in Adam, he had also loaded us in him with his gratuitous gifts, so that, if Adam had persevered, together with nature we should have received from him original justice and all goods annexed to it. But God had adorned Adam with so many graces, fortified him with so many assists, so walled him against temptations, that perseverance and the advantages to follow were more to be hoped than prevarication and the evils to follow feared. Whence, if such a condition were proposed to us today, no one would prudently refuse it.

> *Suppono 4° Deum ita potuisse decernere atque disponere absque ulla injustitia : 1° Quia, cum sit supremus omnium Dominus, et, ut dicit Aug., lib.* de Corrept. et Gratia*, c. 14, n. 45, « magis habeat in sua potestate voluntates nostras, quam nos ipsi, » sicut nos possumus in alium transferre voluntatem nostram, ita Deus jure suo potuit, non requisito consensu nostro, cum tum non essemus actu, transferre voluntates nostras in voluntatem Adae : non quatenus sumus singulares personae, sic enim quisque habet propriam voluntatem et est arbiter sui; sed quatenus sumus partes et membra totius naturae Adam propaganda. Simile quid contingit in humanis, dum princeps includit voluntatem pupilli in voluntatem tutoris, quantum ad actus civiles, aut dum magistratus agit nomine totius communitatis cum rege, ei illi exhibet juramentum fidelitatis. 2° Quia istud decretum erat in rem et bonum nostrum; si enim Deus suis praeceptis nos obligaverat in Adam, nos etiam suis donis gratuitis in illo cumulaverat, ita ut, si Adam perseverasset, simul cum natura*

ab eo accepissemus justitiam originalem et omnia bona ei annexa. Adamum autem Deus tot gratiis ornaverat, tot auxiliis muniverat, ita contra tentationes vallaverat, ut magis speranda esset perseverantia et commoda secutura, quam timenda praevaricatio et mala secutura. Unde, si talis conditio nobis hodie proponeretur, nemo prudenter eam recusaret.

26 Nor does it follow therefore that God can now thus include my will in the will of another adult, so that, he sinning, I sin: because in this case it could happen that mortal sin would be committed in the same case against someone against whom it did not hold place when the will of the non-existent posterity of Adam was included in his will. Besides, God wills adults actually existing to be arbiters of themselves. These things supposed, to the objection

Nec sequitur ideo, Deum posse nunc sic includere meam voluntatem in voluntate alterius adulti, ut, illo peccante, peccem : quia in hoc casu posset contingere quod peccaretur mortaliter eodem in casu alicujus, ad quem non habebat locum quando voluntas posterorum Adae non existentium includebatur in ejus voluntate. Aliunde Deus vult adultos actu existentes esse arbitros sui. His suppositis, ad objectionem

27 *I answer.* that original sin is voluntary for us, not formally by way of exercise, because it is not actual sin, but terminatively, virtually and in cause, because it is of the genus of habitual sin: not physically and by the will of the person, because we were not actual when Adam sinned; but morally by the will of the head, which by institution of God supposed for our wills.

Resp. peccatum originale esse nobis voluntarium, non formaliter per modum exercitii, quia non est peccatum actuale, sed terminative virtualiter et in causa, quia est de genere peccati habitualis : non physice et voluntate personae, quia tum non eramus actu quando peccavit Adam; sed moraliter voluntate capitis, quae ex Dei institutione supponebat pro voluntatibus nostris.

28 Second objection. It cannot be said nor conceived how original sin is transmitted from Adam to posterity; for original sin is in the soul, the soul is not from Adam nor from parents through generation, but is created by God, as decided in the council Lateran V under Leo X [1], sess. 8. But God does not vitiate it; for he is not author of sin, and hates nothing of the things he makes. Flesh, into which the soul is received, and seed, by which flesh is generated, since they are bodies, cannot act upon the soul and infect it, because it is spirit. How ergo is that soul found infected and stained with sin in its origin?

1 Constitut. *Apostolici regiminis*.

Secunda objectio. Non potest dici nec concipi quomodo peccatum originale traducatur ab Adamo in posteros; nam peccatum originale est in anima, anima non est ab Adamo nec a parentibus per generationem, sed a Deo creatur, ut decisum est in concilio Lateran. V, sub Leone X[1], sess. 8. Deus autem illam non vitiat; non enim est author peccati, et nihil odit eorum quae facit. Caro in qua recipitur anima et semen per quod generatur caro, cum sint corpora, non possunt agere in animam et illam inficere, quia est spiritus. Quomodo ergo ista anima invenitur in sua origine peccato infecta et maculata ?

[1] *Constitut.* Apostolici regiminis.

29 This difficulty seemed so great to Augustine that he doubted long whether the soul were not traduced from parents to offspring, like the body (which opinion nevertheless he afterwards rejected, Epist. 190°, to Optatus, n. 2), and in Epist. 167°, to Jerome, n. 2, he says it suffices for a Christian to know how he may be freed from original sin, though he know not how he incurred it. Concerning which he himself always remained hesitating in doubt.

Haec difficultas tanta visa est Augustino, ut diu dubitaverit, an non anima traduceretur a parentibus in prolem, sicut corpus (quam tamen sententiam postea abjecit Epist. 190°, ad Optatum, n. 2), et in Epist. 167°, ad Hieron., n. 2, dicat sufficere Christiano scire quomodo a peccato originali possit liberari, licet ignoret quomodo illud incurrerit. Circa quod ipsemet semper dubius haesit.

30 *I answer.*[2] that original sin is transmitted through generation, not because through it the soul is transmitted; for this is created by God, nor does God infect it, as the objection well says, nor because flesh or seed acts efficiently upon the soul, as the objection again proves; but inasmuch as seed moves dispositively toward the soul and toward its conjunction with the body, from which conjunction this man is made, this human nature; for generation terminates not at the production of form alone or matter, but of the whole composite. Through generation therefore, by virtue of seed, nature propagated seminally from Adam is had and transmitted. Consequently, by concomitance or resultant transmission, guilt also is transmitted, because there is transmitted nature deprived of original justice, by a privation voluntary in us in Adam, in which privation original sin consists essentially, as we shall say below.

2 Formerly 157. — 3. Formerly 29. — 4. Here q. 81, a. 1, ad 2; q. 3 de Potentia.

Resp.[2] *peccatum originale traduci per generationem, non quia per illam anima traducitur; haec enim creatur a Deo, nec Deus eam inficit, ut bene dicit objectio, neque quia caro aut semen agit efficienter in animam, ut iterum probat objectio; sed quatenus semen movet dispositive ad animam et ad ejus conjunctionem cum corpore, ex qua conjunctione fit hic homo, haec natura humana; non enim generatio terminatur ad productionem solius formae aut materiae, sed totius compositi. Per generationem itaque, virtute seminis, habetur et traducitur natura ab Adam seminaliter propagata. Consequenter, per concomitantiam seu resultantiam traducitur et culpa, quia traducitur natura privata justitia originali, privatione nobis voluntaria in Adamo, in qua privatione consistit essentialiter peccatum originale, ut dicemus infra.*

2 *Olim 157. — 3. Olim 29. — 4. Hic q. 81, a. 1, ad 2; q. 3 de Potentia.*

31 From these you will gather that the moral efficient cause of original sin is the sin of Adam, but the quasi instrumental cause is the seed whereby nature is produced.

Ex his colliges, causam efficientem moralem peccati originalis esse peccatum Adae, causam autem quasi instrumentalem esse semen quo natura producitur.

Various questions on the transmission of original sin briefly resolved

1 *You will ask* 1° what sin of Adam was the cause of the traduction of original sin.

Petes *1° quodnam Adae peccatum fuerit causa traductionis peccati originalis.*

2 *I answer.* More probably, with the Author[1], that it was the first, not because it was such, but because it was first: because that sin of Adam was the cause of the traduction of original sin through which he lost original justice to be transfused into posterity. But whatever sin had been first, whether of deed or of will, by it he would have lost original justice, namely by losing sanctifying grace, which was the root of original justice, or at least was contained in it. Therefore.

1 In II Sentent., dist. 33, in secunda expositione textus, post q. 2; 2 2ae, q. 163, a. 3, ad 2. — 2. Hic q. 81, a. 1, c.

Resp. probabilius, cum Authore[1]*, fuisse primum, non quia tale, sed quia primum : quia illud peccatum Adae fuit causa traductionis peccati originalis, per quod amisit justitiam originalem transfundendam in posteros. Atqui quodcumque*

> *peccatum fuisset primum, sive operis, sive voluntatis, per illud amisisset justitiam originalem, amittendo scilicet gratiam sanctificantem quae erat radix justitiae originalis, aut saltem in ea includebatur. Ergo.*
>
> [1] *In II Sentent., dist. 33, in secunda expositione textus, post q. 2; 2 2ae, q. 163, a. 3, ad 2. — 2. Hic q. 81, a. 1, c.*

3 *You will ask* 2° whether other sins of the first parent or of proximate parents are traduced into posterity.

> Petes 2° *utrum alia primi parentis vel proximorum parentum peccata traducantur in posteros.*

4 *I answer.* Negatively[2], because the first sin of Adam is traduced into posterity insofar as he was constituted by God the moral head of all posterity, as to the conservation or loss of original justice. But proximate parents are not thus constituted moral head of their stock, and Adam himself by the first sin had fallen from the dignity of headship. Therefore.

2 Hic q. 81, a. 1, c.

> *Resp. negative[2], quia in tantum peccatum primum Adae traducitur in posteros, in quantum erat a Deo constitutus caput morale omnium posterorum, quantum ad conservationem aut amissionem justitiae originalis. Atqui proximi parentes non ita sunt constituti caput morale suae stirpis, et ipse Adam per primum peccatum a dignitate capitis exciderat. Ergo.*
>
> [2] *Hic q. 81, a. 1, c.*

5 Hence this proposition is condemned: « Every crime is of such condition that it can infect its author and all posterity in the manner in which the first transgression infected them. » It is number 52 among the Baians condemned by St. Pius V, October 1, 1567.

> *Hinc damnata est haec propositio : « Omne scelus est ejus conditionis, ut suum authorem et omnes posteros eo modo inficere possit, quo infecit prima transgressio. » Est 52 inter Baianas a S. Pio V, 1 octobris 1567 damnatas.*

6 *You will ask* 3° whether, if Adam had not sinned and Eve had sinned, posterity would have contracted original sin.

> Petes 3° *utrum si, Adamo non peccante, Eva peccasset, posteri contraxissent peccatum originale.*

7 *I answer.* Negatively[1].

1 Ibid., a. 2, c. — 2. Ibid., in arg. Sed contra.

> *Resp. negative[1].*
>
> [1] *Ibid., a. 2, c. — 2. Ibid., in arg. Sed contra.*

8 It is proved 1°. The Apostle, *Rom.*, v, 12, says: *By one man sin entered into this world.* But if a woman were to transmit original sin to offspring, it ought rather to have been said, by two men, since both sinned, or rather by the woman, who sinned first[2]. Therefore.

2 Ibid., in arg. Sed contra.

> *Prob. 1°. Apost.,* Rom.*, v, 12, dicit :* Per unum hominem peccatum in hunc mundum intravit. *Atqui, si foemina peccatum originale in prolem transmitteret, magis dicendum fuisset, per duos homines, cum ambo peccaverint, vel potius per mulierem, quae primo peccavit[2]. Ergo.*
>
> [2] *Ibid., in arg. Sed contra.*

9 It is confirmed. In the same place, verses 18 and 19, the Apostle says that through the offense of one, through the disobedience of one, sin entered into the world; and there he always compares one

with one, namely Adam with Christ. Therefore the same as before.

> *Confirmatur. Ibidem, 18 et 19, dicit Apostolus : Per unius delictum, per unius inobedientiam, peccatum in mundum intrasse, et semper illic comparat unum uni, scilicet Adamum Christo. Ergo idem quod ante.*

10 2° Adam alone, and not Eve, was constituted moral head of posterity, as to the conservation or loss of original justice. Consequently the sin of Adam was capital, but the sin of Eve personal. Therefore.

> *2° Solus Adam, et non Eva, constitutus fuit caput morale posterorum, quantum ad conservationem vel amissionem justitiae originalis. Consequenter peccatum Adae fuit capitale, peccatum autem Evae personale. Ergo.*

11 *You will ask* 4° whether, if Adam had not sinned, and some one of his posterity, for instance Cain, had sinned, the posterity of Cain would have contracted original sin.

> Petes *4° utrum si, non peccante Adamo, aliquis ex ejus posteris, puta Cain, peccasset, posteri Caini contraxissent peccatum originale.*

12 It is commonly answered negatively, for the same reason, because namely Adam alone, and not Cain or another of Adam's posterity, was constituted moral head of all men, as to the conservation or loss of original justice.

> *Respondetur communiter negative, propter eamdem rationem, quia scilicet solus Adam, et non Cain, aut alter ex Adae posteris, erat constitutus caput morale omnium hominum, quantum ad conservationem aut amissionem justitiae originalis.*

13 *You will ask* 5° whether, if Adam alone had sinned after his son was born, that son and his posterity would have contracted original sin.

> Petes *5° utrum, si Adam solum post natum filium peccasset, iste filius et ejus posteri contraxissent peccatum originale.*

14 *I answer.* More probably negatively: because neither that son nor his posterity would have been in the loins of Adam when he sinned, nor consequently would they be propagated seminally from sinful Adam. But those alone contract original sin who were in the loins of Adam while he sinned, and are propagated seminally from him as sinner. Add that this son would already have been just; but justice once possessed is not lost except by one's own will.

> *Resp. probabilius negative : quia nec iste filius, nec ejus posteri fuissent in lumbis Adae quando peccabat, nec consequenter propagarentur seminaliter ab Adam peccatore. Illi autem soli contrahunt peccatum originale, qui erant in lumbis Adam, dum peccabat, et ab eo peccatore seminaliter propagantur. Adde quod iste filius jam esset justus, justitia autem semel habita non perditur nisi propria voluntate.*

15 *You will ask* 6° whether all men contract original sin.

> Petes *6° utrum omnes homines contrahant peccatum originale.*

16 *I answer.* 1. It is of faith that all men whatsoever, propagated seminally from Adam, special privilege set aside, contract original sin.

> *Resp. 1. De fide est omnes omnino homines ab Adam seminaliter propagatos, secluso speciali privilegio, contrahere peccatum originale.*

17 It is proved 1° from that *Rom.*, V, 12: *In whom all have sinned.* 2° Because otherwise not all would need the redemption which is through Christ; which is erroneous. 3° Because human nature deprived

of original justice is traduced into all, in which deprivation, as voluntary in the head, original sin consists, as we shall say presently. 4° It is evident from the perpetual practice of the Church, which is wont, and is most solicitous, that infants of all, both of the faithful and of the just, be baptized, lest they be damned forever. Finally all that we have brought forward in proof of the existence of original sin proves this.

> *Probatur 1° ex illo* Rom., *V, 12 :* In quo omnes peccaverunt. *2° Quia alioquin non omnes indigerent redemptione quae est per Christum; quod est erroneum. 3° Quia traducitur in omnes natura privata justitia originali, in qua privatione, ut voluntaria in capite, consistit peccatum originale, ut dicemus modo. 4° Patet ex perpetua praxi Ecclesiae, quae solet et maxime sollicita est ut infantes quorumcumque et fidelium et justorum baptizentur, ne in aeternum damnentur. Tandem id probant quaecumque protulimus in probationem existentiae peccati originalis.*

18 I said 1° : « Into all propagated seminally from Adam, » that Christ might be excepted, who was conceived not of virile seed, but by mystical breathing, and thus, since he was not contained in the loins of sinning Adam, did not sin in him.

> *Dixi 1° : « In omnes ex Adam seminaliter propagatos, » ut exciperetur Christus, qui non ex virili semine, sed mystico spiramine fuit conceptus, sicque cum non contineretur in lumbis Adae peccantis, in ipso non peccavit.*

19 I said 2° : « Special privilege set aside, » because many piously hold that blessed Mary was immune, not indeed from the obligation of contracting, but from the actual contraction of original sin. But in this matter Mother Church has defined nothing[1], but leaves each free to embrace whichever opinion he wills, forbidding under pain of excommunication either party to presume to note the other with error or heresy.

1 Ibid., a. 3, c. — 2. This truth, as defined by Pius IX to be of faith, we shall prove shortly.

> *Dixi 2° : « Secluso speciali privilegio, » quia multi pie sentiunt B. V. Mariam fuisse immunem, non quidem a debito contrahendi, sed ab actuali contractione peccati originalis. Verum hac in re nihil definivit Mater Ecclesia[1], sed cuique liberum relinquit amplecti quam voluerit sententiam, vetans sub excommunicatione ne alterutra pars alteram errore vel haeresi notare praesumat.*
>
> *1 Ibid., a. 3, c. — 2. Veritatem hanc, ut de fide definitam a Pio IX, mox probabimus.*

20 And although Paul V, by decree of the universal Inquisition in 1617, to avoid scandals, quarrels and dissensions, forbade that the party affirming blessed Mary to have been conceived in original sin should be defended in public sermons, lectures and public acts, and Gregory XV by a decree likewise of the universal Inquisition in 1622 extended this to private conversations and writings, nevertheless from this silence the same Gregory XV, by the constitution *Eximii* given July 28, 1622, excepts the Friars Preachers, and grants them that they may freely and lawfully treat among themselves of this matter and expound their own opinion, in these words: « Of our own motion and from certain knowledge and mature deliberation, to all and singular the Friars of the said ORDER OF PREACHERS we grant and impart, by apostolic authority, by the tenor of these presents, license that henceforth in whatsoever their private conversations or conferences, among themselves only, and not among others or with others, they may freely and lawfully be able to discuss and treat of the matter of the same Conception of blessed Mary ever Virgin, without incurrence of any of the penalties contained in the said decrees: decreeing that the aforesaid Friars can and ought by no means to be molested, disturbed or disquieted by anyone, by whatever authority concerning this matter. » This constitution is found in the Bullarium of the Order of Friars Preachers, tom. vi, pag. 13.

Et quamvis Paulus V, decreto universalis Inquisitionis 1617, ad evitanda scandala, jurgia et dissensiones, prohibuerit ne pars affirmans B. Virginem fuisse conceptam in peccato originali in publicis concionibus, lectionibus et actibus publicis defenderetur, atque id Gregorius XV, decreto pariter universalis Inquisitionis 1622, extenderit ad privata colloquia et scripta, ab hoc tamen silentio idem Greg. XV, constitutione Eximii *data 28 Julii 1622, excipit Fratres Praedicatores, conceditque illis ut libere et licite possint inter se de hac materia tractare et propriam sententiam explicare, his verbis : « Motu proprio et ex certa scientia ac matura deliberatione nostra, omnibus et singulis dicti ORDINIS PREDICATORUM FRATRIBUS, ut de caetero in quibuscumque privatis eorum colloquiis seu conferentiis, inter se dumtaxat, et non inter alios aut cum aliis, de materia ejusdem Conceptionis B. Maria Virginis disserere et tractare, absque ullo poenarum in dictis decretis contentarum incursu, libere et licite possint et valeant, apostolica authoritate, tenore praesentium, licentiam concedimus et impartimur : decernentes Fratres praefatos a quoquam quavis authoritate desuper molestari, perturbari vel inquietari nullatenus posse aut debere. » Haec constitutio habetur in Bullario Ordinis Fratrum Praedicatorum, tom. vi, pag. 13.*

21 *You will ask* 7° whether, if someone were formed miraculously from human flesh, he would contract original sin.

Petes *7° utrum, si aliquis ex humana carne miraculose formaretur, contraheret peccatum originale.*

22 *I answer.* Negatively: because those alone contract original sin who descend originally from Adam according to seminal reason, or drawn originally from Adam by virtue of seed, and not merely according to bodily substance. But this man would not descend from Adam according to seminal reason, but only according to bodily substance; for he would not be made by the active virtue of seed, but by divine virtue. Therefore.

Resp. negative : quia illi soli contrahunt peccatum originale, qui originaliter descendunt ab Adam secundum seminalem rationem, seu virtute seminis originaliter ab Adam deducti, et non tantum secundum corpulentam substantiam. Atqui iste homo non descenderet ab Adam secundum seminalem rationem, sed tantum secundum corpulentam substantiam; non enim esset factus per virtutem activam seminis, sed per divinam virtutem. Ergo.

23 The major is proved. The sin of Adam is traduced into posterity insofar as they are his sons, or insofar as they are moved from him by generation, that is, insofar as he moves them so as to be generated. But to move by generation is proper to the active virtue which is in the seed. Therefore. Whence the council of Trent, session VI, chapter 3, says: « Unless men were born propagated from the seed of Adam, they would not be born unjust. »

Prob. maj. Peccatum Adae traducitur in posteros in quantum sunt ejus filii, seu in quantum ab eo moventur per generationem, hoc est, in quantum eos movet ut generentur. Atqui movere per generationem, est proprium virtutis activae quae est in semine. Ergo. Unde concilium Trid., sess. vi, cap. 3, dicit : « Nisi homines ex semine Adae propagati nascerentur, non nascerentur injusti. »

24 Nevertheless this man ought to be baptized, not that he might be cleansed from original sin, but that he might obtain sanctifying grace, become a member of Christ, and have a right to the kingdom of heaven, according to that of *John*, III, 5 : *Unless a man be born again of water and the Holy Spirit, he cannot enter into the kingdom of God.*

Deberet tamen iste homo baptizari, non ut mundaretur a peccato originali, sed ut consequeretur gratiam sanctificantem, fieret membrum Christi, et haberet jus ad regnum coelorum, juxta illud Joann.*, III, 5 :* Nisi quis renatus fuerit ex aqua et Spiritu sancto, non potest introire in regnum Dei.

Whether the most blessed Virgin Mary contracted original sin in her Conception?

1 [Although the University of Paris, under Scotus as leader, had embraced the doctrine of the Immaculate Conception when the Subtle Doctor departed this life in the year 1308, John of Montesono, a doctor of theology of the Order of Preachers, openly and keenly attacked that opinion in the year 1387. The holy Synod did not wish to spend time upon things which the circumstances of the times did not altogether require, and since elsewhere several Fathers, though far fewer in number, did not admit Mary's privilege, lest it condemn them positively it issued, in sess. V, the declaration to be cited below, by which it certified that « the blessed and immaculate Virgin is not comprehended in the decree on original sin. » By this declaration the contest was not put to rest, most Dominicans defending the opinion of John of Montesono and the Jansenist writers — among whom John Launoi stands out — afterwards applauding them, although the Roman Church, more inclined toward the opinion of the Immaculate Conception, openly favored it. These men, distinguishing between the first instant of the blessed Virgin's conception and her animation, contended that Mary contracted original sin in her very conception, but they conceded that she was purified from this stain after animation, as is read in the Office of the Sanctification of B. M. V. in the Dominican Breviary published at Venice in 1547; which is against the true doctrine of the infusion of the soul into the human body, which we established in the dissertation *De homine*.

> *[Quamvis, Scoto duce, universitas Parisiensis doctrinam Immaculatae Conceptionis amplexa fuisset, cum Doctor Subtilis anno 1308 e vita migrasset, Joannes de Montesono, doctor theologus ex ordine Praedicatorum, illam sententiam palam et acriter oppugnavit anno 1387. sancta Synodus nolebat tempus consumere in iis quae temporum adjuncta non omnino exigebant, et aliunde plures Patres, etsi numero multo minores, privilegium Mariae non admittebant, ne eos positive condemnaret, edidit, in sess. v, declarationem infra referendam, qua testata est « beatam et immaculatam Virginem non comprehendi in decreto de peccato originali. » Non fuit sopita haec declaratione concertatio, Dominicanis plerisque sententiam Joannis de Montesono propugnantibus et scriptoribus Jansenistis, inter quos eminet Joannes Launoi, postea illis plaudentibus, quamvis Ecclesia Romana, ad opinionem, Immaculatae Conceptionis propensior, ei aperte faveret. Hi distinguentes inter primum instans conceptionis beatae Virginis et ejus animationem, contendebant Mariam peccatum originale in ipsa conceptione contraxisse, sed concedebant eam ab hac labe post animationem fuisse purificatam, ut legitur in officio Sanctificationis B. M. V. in Breviario Dominicano anno 1547 Venetiis edito; quod est contra veram doctrinam de infusione animae in corpus humanum, quam statuimus in dissertatione* De homine.

2 On the other side, among the theologians who defended the glory of the Immaculate One, some — otherwise men of good name — judged that God had decreed to endow her with so great a privilege even before his foreknowledge both of original sin and of the incarnation of the Word, and therefore independently of the most sublime dignity to which she was to be raised by the title of divine maternity. These men, wise not unto sobriety, did not sufficiently consider that all propagated seminally from Adam sinned in him, as the Apostle teaches, *Rom.*, v, 12, and consequently that all stood in need of the redemption that is through Christ: whence they ought to have concluded that blessed Mary the Virgin was not immune from the obligation of contracting original sin, and could not be preserved from that stain except, as is said in the bull of definition soon to be cited, « by a singular grace and privilege of almighty God, in view of the merits of Christ Jesus the Savior of the human race. » Otherwise Christ would not be the universal Redeemer of the whole human race, nor would he have died for all men; which cannot be maintained saving the faith.

> *Ex altera parte, inter theologos qui gloriam Immaculata defendebant, aliqui, boni caeterum nominis, censebant Deum decrevisse eam tanto privilegio donare etiam ante praevisionem tum peccati originalis, tum incarnationis Verbi, et ideo*

independenter a sublimissima dignitate ad quam evehenda erat titulo maternitatis divinae. Hi non ad sobrietatem sapientes, non satis considerabant omnes ex Adam seminaliter propagatos in eo peccavisse, ut docet Apostolus, Rom.*, v, 12, et consequenter omnes redemptione quae est per Christum indiguisse : unde concludere debuissent beatam Mariam Virginem non fuisse a debito peccatum originale contrahendi immunem, et ab ista labe non potuisse praeservari, nisi, ut dicitur in bulla definitionis mox citanda, « singulari omnipotentis Dei gratia et privilegio, intuitu meritorum Christi Jesu Salvatoris humani generis. » Alioquin Christus non esset universalis Redemptor totius generis humani, et pro omnibus hominibus non esset mortuus; quod salva fide sustineri non potest.*

3 Therefore against the aforementioned, respectively

Igitur contra praedictos respective

4 **I say**: The most Blessed Virgin Mary, in the first instant of her Conception, was, by a singular grace and privilege of almighty God, in view of the merits of Christ Jesus the Savior of the human race, preserved immune from every stain of original guilt.

***Dico** : Beatissima Virgo Maria in primo instanti suae Conceptionis fuit, singulari omnipotentis Dei gratia et privilegio, intuitu meritorum Christi Jesu Salvatoris humani generis, ab omni originalis culpae labe praeservata immunis.*

5 1° It is of faith. Before this truth was dogmatically defined in these latest times, it was always the settled conviction in the Church of God that the Mother of God was, by a singular privilege, entirely immune from every sin, whether actual or original. For we read in the bull *Ineffabilis Deus*:

1° Est de fide. Antequam his novissimis temporibus dogmatice definiretur haec veritas, semper in Ecclesia Dei persuasum fuit Deiparam singulari privilegio fuisse omnino a quovis peccato, sive actuali sive originali, immunem. Legitur enim in bulla Ineffabilis Deus *:*

6 « Which original innocence of the most august Virgin, wholly coherent with her admirable holiness and her pre-eminent dignity as Mother of God, the Catholic Church — taught by the Holy Spirit who is the column and firmament of truth — possessing as doctrine divinely received and comprehended in the deposit of heavenly revelation, has never ceased continually to expound, propose and foster ever more from day to day in manifold ways and with splendid deeds. »

« Quam originalem augustissimae Virginis innocentiam cum admirabili ejusdem sanctitate praecelsaque Dei Matris dignitate omnino cohaerentem catholica Ecclesia, quae a sancto semper edocta Spiritu columna est ac firmamentum veritatis, tamquam doctrinam possidens divinitus acceptam, et coelestis revelationis deposito comprehensam, multiplici continenter ratione splendidisque factis magis in dies explicare, proponere ac fovere nunquam destitit. »

7 For many declarations of the Holy See and other dogmatic acts of the greatest moment, which were the precursors of the formal definition, clearly show what has always been the doctrine of the Church concerning the Immaculate Conception of B. M. V., the Mother of God.

Etenim multae declarationes S. Sedis et alii actus dogmatici maximi momenti, quae fuerunt praeambula ad definitionem formalem, clare ostendunt quae fuerit semper doctrina Ecclesiae de Immaculata Conceptione B. M. V. Genitricis Dei.

8 The Council of Trent, after the celebrated decree on original sin issued in session V, adds: « This holy Synod declares nevertheless that it is not its intention to comprehend in this decree, where original sin is treated of, the blessed and immaculate Virgin Mary, Mother of God; but that the constitutions of Sixtus IV, of happy memory, are to be observed, under the penalties contained in those constitutions which it renews. » And the council openly professed its true opinion by commanding that on the feast of the Conception there be celebrated, in the presence of the Fathers,

the Mass approved by Sixtus IV, with the prayer: *Deus, qui per Immaculatam Virginis Conceptionem, etc.*, which is recited in the most recent Office and Mass.

Conc. Trid., post celebre decretum de peccato originali, sess. v editum, addit : « Declarat tamen haec sancta Synodus, non esse suae intentionis comprehendere in hoc decreto, ubi de peccato originali agitur, beatam et immaculatam Virginem Mariam Dei Genitricem, sed observandas esse constitutiones felicis recordationis Sixti Papa IV, sub poenis in eis constitutionibus contentis, quas innovat. » Et concilium veram sententiam suam aperte professus est, jubendo ut in festo Conceptionis celebraretur, Patribus adstantibus, missa a Sixto IV approbata, cum oratione : Deus, qui per Immaculatam Virginis Conceptionem, etc.*, quae in nuperrimis Officio et Missa recitatur.*

9 This Mass, with the corresponding office, was in use from the year 1476 to the year 1568, and then in the new Breviary this office gave way to the office of the Nativity, only the name being changed.

Haec missa cum officio correspondente fuit in usu ab anno 1476 ad annum 1568, et tum in novo Breviario hoc officium locum cessit officio Nativitatis, mutato nomine.

10 Sixtus IV, in the constitution *Grave nimis*, given on the day before the nones of September 1483, had declared indeed that it could be freely disputed whether B. V. Mary was immaculate in her very conception; but under the gravest penalties he had forbidden anyone to accuse of heresy and even of error « those who held that the soul of B. M. V., in the first instant of its creation and infusion into the body, in view of the merits of the Son of God our Redeemer, had been preserved and kept immune from the stain of original sin, and who in this sense venerated and celebrated her feast with solemn rite. » Which constitution was renewed by Alexander VII on December 8, 1661.

Sixtus IV, in constit. Grave nimis*, pridie nonas septembris 1483, declaraverat quidem libere disputari posse an B. V. Maria immaculata fuerit in ipsa sua conceptione, sed sub gravissimis poenis prohibuerat ne quis haeresis et etiam erroris insimularet « eos qui tenerent animam B. M. V. in primo instanti creationis atque infusionis in corpore, intuitu meritorum Filii Dei Redemptoris nostri, a macula peccati originalis praeservatam et immunem fuisse, atque in hoc sensu ejus festivitatem solemni ritu colerent et celebrarent. » Quae constitutio ab Alexandro VII, 8 decembris 1661, fuit innovata.*

11 Whence St. Pius V, in the constitution *Ex omnibus afflictionibus*, given October 1, 1567, condemned the following proposition, which is the 73rd among the Baian propositions: « No one besides Christ is without original sin. Hence the B. Virgin died on account of sin contracted from Adam, and all her afflictions in this life, like those of other just men, were punishments for actual or original sin. »

Unde S. Pius V, constit. Ex omnibus afflictionibus*, data 1 octobris 1567, damnavit sequentem propositionem, quae est 73ª inter Baianas : « Nemo, praeter Christum, est absque peccato originali. Hinc B. Virgo mortua est propter peccatum ex Adam contractum, omnesque ejus afflictiones in hac vita, sicut et aliorum justorum, fuerunt ultiones peccati actualis vel originalis. »*

12 To foster and increase the devotion of the faithful toward the singular privilege of the Mother of God, several Pontiffs approved the erection of many monasteries, churches and confraternities under the title of the Immaculate Conception of B. M. V., and granted indulgences to those who recited certain prayers in honor of the Virgin Immaculate. Among them Gregory XV, on April 13, 1621, enriched with a partial indulgence the recitation of the invocation: Benedicta sit purissima et immaculata Conceptio B. M. V. Which concession was renewed by Urban VIII on November 18, 1623.

Ad fovendam et augendam devotionem fidelium erga privilegium singulare Matris Dei, plures Pontifices erectionem multorum monasteriorum, ecclesiarum et confraternitatum sub titulo Immaculatae Conceptionis B. M. V. approbarunt, et indulgentias concesserunt iis qui certas preces recitarent in honorem Virginis Immaculatae. Inter quos Gregorius XV, 13 aprilis 1621, indulgentia partiali ditavit recitationem invocationis : Benedicta sit purissima et immaculata Conceptio B. M. V. Quae concessio fuit renovata ab Urbano VIII, 18 novembris 1623.

13 Because, from the oft-praised saying of Pope St. Celestine, « the law of praying establishes the law of believing, » what is expressly enunciated in the sacred liturgy must be held as pertaining to the genuine doctrine of the Church. For the Church of God can no more profess error than define error juridically as truth. Moreover, in her liturgy the Roman Church for several centuries has professed that B. M. V. was immaculate in her Conception. Therefore she has certified that this doctrine is her own, that is, that it is contained in the deposit of sacred revelation.

Quia, ex effato saepe laudato S. Coelestini papae, « legem credendi statuit lex supplicandi, » qua in sacra liturgia expresse enuntiantur, habenda sunt ut ad genuinam Ecclesiae doctrinam pertinentia. Etenim Ecclesia Dei non magis potest errorem profiteri, quam errorem pro veritate juridice definire. Porro in liturgia sua Ecclesia Romana a pluribus saeculis professa est B. M. V. in sua Conceptione immaculatam fuisse. Ergo hanc doctrinam suam esse, id est in deposito sacrae revelationis contineri, testata est.

14 Before the profession of this truth appears clearly in the Roman liturgy and the particular liturgies of the Western churches, it is found in the most ancient and primitive Eastern liturgies. In the liturgy bearing the name of St. John Chrysostom, the most blessed Virgin is praised as most holy, undefiled, unspotted, blessed above all. She is celebrated with the same praises in the liturgy ascribed to St. Basil the Great, which, as Peter the Deacon relates — who wrote in the VI century — was in use in nearly all the churches of the East. The liturgy attributed to St. Mark decrees the same praise to the Mother of God. The liturgy of St. James, first bishop of Jerusalem, makes commemoration of the Virgin Mary, Mother of God, as most holy, unspotted, Immaculate, blessed above all, ever-blessed, blameless in every way, more honorable than the cherubim and more glorious than the seraphim. Not unlike do the other liturgies of those same times speak.

Antequam in liturgia Romana et liturgiis particularibus ecclesiarum occidentalium clare appareat professio hujus veritatis, invenitur in antiquissimis et primitivis liturgiis orientalibus. In liturgia nomine sancti Joannis Chrysostomi insignita, laudatur beatissima Virgo ut sanctissima, impolluta, intemerata, super omnes benedicta. Iisdem praeconiis celebratur in liturgia sancto Basilio Magno adscripta, quae, ut refert Petrus Diaconus, qui VI saeculo scribebat, in omnibus prope ecclesiis Orientis erat in usu. Liturgia sancto Marco tributa eamdem laudem Deiparae decernit. Liturgia sancti Jacobi, primi Hierosolymorum episcopi, commemorationem facit de Virgine Maria, Matre Dei, ut sanctissima, intemerata, Immaculata, super omnes benedicta, semper beata, omnibus modis irreprehensa, honorabilior quam cherubim et gloriosior quam seraphim. Non dissimiliter loquuntur aliae eorundem temporum liturgiae.

15 If it be objected that the aforementioned liturgies, which are called apostolic, are later than the Apostles, since before the V century no mention of them is found, it must be answered: 1° Even if they were certainly not older than the V century, nevertheless from them one discerns what truths the various churches professed; for new dogmas could not have been introduced into them without anyone protesting. 2° It is established that no liturgy, except perhaps that found in the apostolic Constitutions, was committed to writing before the V century, on account of the discipline of the secret, which did not allow the sacred mysteries to be revealed except to the initiated. In the time of St. Augustine the Apostles' Creed was not yet written down, as he himself testifies, chapter 1 *de*

Symbolo ad catechumenos, n. 1[1]. Can then the authenticity of this rule of faith be denied? The same must be said of the liturgies.

[1] Thus does the holy Doctor address the catechumens in the place cited: « Receive, children, the rule of faith which is called the symbol. And when you have received it, write it in your heart... No one writes the symbol that it may be read; but that it may be recited, lest perchance oblivion erase what diligence has handed down, let your memory be your codex. » A fortiori did the liturgy fall under the law of secrecy, on account of its loftiest mysteries, which it was not expedient to uncover to unbelievers and which were not revealed even to catechumens before baptism.

> *Si objiciatur praedictas liturgias quae dicuntur apostolices esse apostolis posteriores, quia ante V saeculum nulla invenitur de eis mentio, respondendum est : 1° Etiamsi certo non essent V saeculo antiquiores, nihilominus ex eis dignoscitur quas veritates professae fuerint diversae ecclesiae; nam nova dogmata, nemine reclamante, in eas introduci non potuissent. 2° Constat nullam liturgiam, excepta forsan ea quae in Constitutionibus apostolicis reperitur, scripto mandatam fuisse ante V saeculum, propter disciplinam secreti, quae sacra mysteria nisi initiatis revelare non sinebat. Tempore S. Augustini nondum scribebatur Symbolum Apostolorum, ut ipse testatur cap. 1* de Symbolo ad catechumenos, *n. 1*[1]*. Num ideo authenticitas hujus regulae fidei negari potest? Idem dicendum est de liturgiis.*
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> [1] *Sic catechumenos alloquitur S. Doctor loco cit. : « Accipite, filii, regulam fidei quod symbolum dicitur. Et cum acceperitis, id corde scribite... Symbolum nemo scribit ut legi possit ; sed ad recensendum, ne forte deleat oblivio quod tradidit diligentia, sit vobis codex vestra memoria. » A fortiori sub lege secreti cadebat liturgia, propter altissima qua non expediebat infidelibus detegere et ipsis catechumenis ante baptismum non revelabantur.*

16 In the West, the feast of the Conception of B. M. V. is already celebrated in various churches from the XI century onward. It is found instituted in the diocese of Cremona in the year 1047; in Bayeux, 1070. Celebrated is the letter by which, about the year 1140, St. Bernard keenly rebuked the canons of Lyons, who had determined to institute the feast of Mary's Conception, saying that this feast was new (although it was already celebrated elsewhere), rested on no legitimate foundation, and ought not to have been instituted without consulting the Apostolic See. He declared nevertheless that he reserved his opinion « especially to the authority and examination of the Roman Church. »

> *In Occidente, festum Conceptionis B. M. V. jam ab XI saeculo in diversis ecclesiis celebratur. Reperitur institutum in dioecesi Cremonensi anno 1047 ; in Bajocensi, 1070. Celebris est epistola qua, versus annum 1140, S. Bernardus acriter reprehendit canonicos Lugdunenses qui festum Conceptionis Maria instituere decreverant, dicens hoc festum esse novum (quamvis alibi jam celebraretur), nullo niti legitimo fundamento, et instituendum non fuisse inconsulta Sede apostolica. Declaravit tamen se suam sententiam « reservare Romanae praesertim Ecclesiae authoritati atque examini. »*

17 St. Anselm had instituted this feast in his church of Canterbury in the year 1109. Notwithstanding the vehement opposition of St. Bernard, it is admitted by several churches of France in the year 1198. Thence it passes into the neighboring regions, and is celebrated in the diocese of Paderborn in the year 1343; in Münster, 1350; in Strasbourg, 1364; in Seville, 1369; in Tarragona, 1378.

> *Hanc festivitatem instituerat S. Anselmus in sua Cantuariensi ecclesia anno 1109. Non obstante vehementi contradictione S. Bernardi, a pluribus Galliarum ecclesiis admittitur anno 1198. Inde in vicinas regiones transit, et celebratur in dioecesi Paderbonensi anno 1343 ; in Monasteriensi, 1350 ; in Argentoratensi, 1364 ; in Hispalensi, 1369 ; in Tarraconensi, 1378.*

18 The Roman Church in no way disapproved of the desire and counsel of the particular churches: which surely she would not have failed to do, if their piety had erred in this. Nay, the supreme Pontiffs themselves expressly approved this devotion, and judged that it should be propagated by public worship.

Ecclesia Romana desiderium et consilium ecclesiarum particularium nullo modo improbavit : quod certe non omisisset, si pietas earum in hoc erravisset. Imo summi Pontifices ipsi hanc devotionem expresse probaverunt, et cultu publico eam propagandam esse censuerunt.

19 For Sixtus IV, on the third of the calends of May 1476, decrees that this feast is to be celebrated at Rome with an office and Mass whose prayer was: Deus, qui per Immaculatam Virginis Conceptionem, etc. Which Mass, as we said, was afterward celebrated in the presence of the Tridentine Fathers.

Etenim Sixtus IV, 3 calendas maii 1476, decernit hoc festum celebrandum esse Romae cum officio et missa quorum oratio erat : Deus, qui per Immaculatam Virginis Conceptionem, etc. Quae missa, ut diximus, coram Patribus Tridentinis fuit postea celebrata.

20 Paul III, July 3, 1536(?), approves the Breviary elaborated by cardinal Quignon, with the office of the Conception, in which the Invitatory of Matins was: Immaculatam Conceptionem Virginis Maria celebremus, etc. The same pope, on September 16, 1549, approved the Roman Missal containing the Mass of this mystery with the aforesaid prayer.

Paulus III, 3 julii 1536(?), approbat Breviarium a cardinali Guignonio elaboratum, cum officio Conceptionis, in quo Invitatorium Matutini erat : Immaculatam Conceptionem Virginis Maria celebremus, etc. Idem, 16 septembris 1549, approbavit Missale Romanum continens missam hujus mysterii cum oratione supradicta.

21 Paul V, on the fifth of the ides of March 1606, grants to the Order of Minors Observant, on each Saturday not impeded, the recitation of the office of the Immaculate Conception beginning Sicut cedrus, which was again approved by Pius IX and granted to the whole Church.

Paulus V, 5 idus martii 1606, concedit ordini Minorum Observantium, singulis sabbatis non impeditis, recitationem officii Immaculatae Conceptionis incipientis Sicut cedrus, quod a Pio IX fuit denuo approbatum et ad totam Ecclesiam concessum.

22 Several Pontiffs afterward grant the same office and the same Mass to various orders: among them Clement IX, on September 27, 1667, to the Society of Jesus, with an octave; on October 31 of the same year, to the whole order of Hermits of St. Augustine. By the same pope it is granted, on October 21 of the same year, to all dwelling in Roman territory, and on February 8 to the diocese of Modena.

Plures Pontifices postea concedunt diversis ordinibus idem officium et eamdem missam : inter quos Clemens IX, 27 septembris 1667, Societati Jesu, cum octava ; 31 octobris ejusdem anni, universo ordini Eremitarum S. Augustini. Ab eodem conceditur 21 octobris ejusdem anni omnibus in territorio romano degentibus, et 8 februarii dioecesi Mutinensi.

23 Innocent XI, on December 18, 1678, approves and enriches with an indulgence the little office of the Immaculate Conception, to be recited in various congregations of B. M. V., « which, says the Pontiff, is recited in the Church by permission of the Holy See from most ancient times. »

Innocentius XI, 18 decembris 1678, approbat et indulgentia ditat parvum officium Conceptionis Immaculatae in diversis congregationibus B. M. V. recitandum, « quod, ait Pontifex, ab antiquissimo tempore S. Sedis permissu in Ecclesia recitatur. »

24 Innocent XII, on May 15, 1693, extends the feast of the Conception, with an octave, to the universal Church. If it be objected that the Conception of the Mother of God is not expressly called immaculate in this office, it must be answered: 1° It was enacted in the Missal of St. Pius V that this

feast should be celebrated with the office and Mass of her Nativity, only the name being changed. 2° St. Thomas says of the Nativity of B. M. V., IIIa p., q. 27, a. 1, in arg. *Sed contra*: « The Church celebrates the Nativity of the blessed Virgin. But a feast is not celebrated in the Church except for some saint. Therefore the blessed Virgin was holy in her very Nativity. » This argument is deservedly employed in favor of the Conception of the same Virgin. And indeed by the very fact that it is prescribed that the Conception and the Nativity of Mary are to be celebrated with the same office and the same Mass, each mystery is declared equally worthy and holy. Moreover the Conception would not have been holy, and therefore most worthy, unless it had been immaculate; and under no other title could it be offered to the piety of the faithful as an object of public worship.

> *Innocentius XII, 15 maii 1693, ad universam Ecclesiam extendit festum Conceptionis cum octava. Si objiciatur Conceptionem Deiparae non dici expresse immaculatam in hoc officio, respondendum est : 1° Statutum fuit in Missali S. Pii V quod hoc festum celebraretur cum officio et missa Nativitatis ejusdem, mutato tantum nomine. 2° S. Thomas de Nativitate B. M. V. dicit, 3ª p., q. 27, a. 1, in arg.* Sed contra *: « Ecclesia celebrat Nativitatem beatae Virginis. Non autem celebratur festum in Ecclesia, nisi pro aliquo sancto. Ergo beata Virgo in ipsa sua Nativitate fuit sancta. » Hoc argumentum merito usurpatur in gratiam Conceptionis ejusdem Virginis. Et quidem eo ipso quod praecipitur Conceptionem et Nativitatem Mariae eodem officio et eadem missa celebrandas esse, utrumque mysterium pari jure declaratur dignissimum et sanctum. Porro Conceptio non fuit sancta, et ideo dignissima, nisi fuerit immaculata, et non alio titulo potuit pietati fidelium offerri ut objectum cultus publici.*

25 Clement XI, on December 6, 1708, decrees that this feast is to be kept under obligation of precept, and grants afterward, on May 25, 1712, that the title Immaculate be added not only to the Virgin herself, but to her Conception.

> *Clemens XI, 6 decembris 1708, festum hoc de praecepto servandum esse decernit, et concedit postea, 25 maii 1712, ut titulus Immaculatae non tantum Virgini ipsi, sed ejus Conceptioni addatur.*

26 By these and many other things, which we omit here for brevity's sake — « the responses, constitutions, [decrees] of the supreme Pontiffs » — she had come to be venerated and celebrated as immaculate. Moved by which things Benedict XIV had ordered prepared a draft of a dogmatic constitution on the immaculate Conception of the Mother of God, for the defining of this truth as of faith. Why, by a most wise counsel of God, this most learned Pontiff did not promulgate this definition, it is not for us to inquire.

> *His et aliis multis, quae brevitatis causa hic omittimus, « summorum Pontificum responsis, constitutionibus, [decretis,] » veneratam et celebratam ut immaculatam. Quibus motus Benedictus XIV, praeparari jusserat schema constitutionis dogmaticae de immaculata Deiparae Conceptione, ad hanc veritatem ut de fide definiendam. Quo sapientissimo Dei consilio doctissimus Pontifex definitionem hanc non promulgaverit, nobis non est inquirendum.*

27 From every side bishops, carrying up the votes of the faithful to the Apostolic See, demanded more urgently that the wonderful and unique privilege of the immaculate Mother of God be defined dogmatically; and meanwhile they asked for and obtained that there be permitted to be added to the Litany of Loreto this new invocation: Queen conceived without original stain, pray for us; and to the preface of the Mass of the Conception of B. V. the word Immaculate.

> *Undique episcopi, fidelium vota ad Sedem apostolicam deferentes, instantius flagitabant ut dogmatice definiretur immaculatae Matris Dei mirum et unicum privilegium, et interim postulabant et obtinebant ut in litaniis Lauretanis*

liceret addere novam hanc invocationem : Regina sine labe originali concepta, o. p. n., et in praefatione missae de B. V. Conceptione vocem Immaculatam.

28 Wishing to satisfy these prayers, Pius IX, exiled from Rome by the Gaetani « most turbulent storm of evils », directed on February 2, 1849 to the bishops of the whole Catholic world the encyclical letter *Ubi primum*, in which is read: « We earnestly desire that you signify to us with all possible speed with what devotion your clergy and faithful people are animated toward the Immaculate Conception of the Virgin, and with what desire they burn that such a matter be decreed by the Apostolic See; and above all we desire most especially to know what you yourselves, venerable Brothers, think of the matter itself, in your eminent wisdom, and what advantage the Roman clergy already enjoys in consequence thereof, without having to implore such a favor from the Holy See. »

Quibus precibus satisfacere cupiens, Pius IX, Romae a Caietanis « turbulentissima malorum procella » exul depulsus, 2 februarii 1849 ad episcopos totius catholici orbis epistolam encyclicam Ubi primum *direxit, in qua legitur : « Optamus vehementer ut majore qua fieri potest celeritate nobis significare velitis qua devotione vester clerus populusque fidelis erga Immaculatam Virginis Conceptionem sit animatus, et quo desiderio flagret ut ejusmodi res ab apostolica Sede decernatur, atque imprimis noscere vel maxime cupimus quod vos ipsi, venerabiles Fratres, pro eximia vestra sapientia de re ipsa sentiatis, quidque ex eo jam clerus Romanus utitur, quin ejusmodi veniam a sancta Sede implorare debeant.*

29 Six hundred and sixty-five bishops signified their testimony and votes to the supreme Pontiff in their replies. « These same, as Pius IX says in his decretorial constitution, replying to us with incredible joy, gladness and zeal, not only renewed again their own particular devotion and disposition of mind, and that of the clergy and faithful people of each, toward the Immaculate Conception of the most blessed Virgin, but also demanded of us, as it were with common voice, that the Immaculate Conception of that same Virgin should be defined by our supreme judgment and authority. » Only certain bishops, and these very few in number, while attesting the most ancient devotion of their churches toward the Immaculate Virgin, and professing themselves to venerate the most august Virgin as Immaculate and altogether exempt from the original stain, judged that, on account of the circumstances of present things, this truth was not yet opportunely to be defined as of faith.

Sexcenti et sexaginta quinque episcopi sua testimonia et vota in responsionibus suis summo Pontifici significarunt. « Iidem, ut ait Pius IX in constitutione sua decrectoria, incredibili quadam jucunditate, laetitia ac studio nobis rescribentes, non solum singularem suam et proprii cujusque cleri populique fidelis erga Immaculatam beatissimae Virginis Conceptum pietatem mentemque denuo confirmarunt, verum etiam communi veluti voto a nobis expostularunt ut Immaculata ipsius Virginis Conceptio supremo nostro judicio et authoritate definiretur. » Aliqui tantum episcopi, et ii numero paucissimi, ut caeteri devotionem antiquissimam suarum ecclesiarum erga Immaculatam Virginem attestantes, et profitentes seipsos colere augustissimam Virginem ut Immaculatam et ab originali labe prorsus immunem, censebant, propter rerum praesentium adjuncta, hanc veritatem nondum opportune tamquam de fide esse definiendam.

30 Finally, after taking counsel anew with one hundred ninety-two cardinals, patriarchs, archbishops and bishops summoned from all parts of the Catholic world and present at Rome, Pius IX, surrounded by this most ample and illustrious senate, on the very feast of the Immaculate Conception of the Mother of God, in the year 1854, promulgated in the Vatican basilica the dogmatic constitution beginning *Ineffabilis Deus*, which, after a most abundant exposition of the doctrine itself and an enumeration of the principal facts demonstrating the constant devotion of the Christian people toward this mystery, he concluded thus:

Tandem, collatis iterum consiliis cum centum nonaginta duobus cardinalibus, patriarchis, archiepiscopis et episcopis ex omnibus orbis catholici partibus convocatis et Romae adstantibus, Pius IX, hoc amplissimo et praeclaro senatu circumdatus, in ipso festo Immaculatae Conceptionis Deiparae, anno 1854, promulgavit in basilica Vaticana constitutionem dogmaticam quae incipit Ineffabilis Deus*, quam, post uberrimam expositionem ipsius doctrinae et enumerationem praecipuorum factorum quae constantem devotionem populi christiani erga hoc mysterium demonstrant, sic concludébat :*

31 « For the honor of the holy and undivided Trinity, for the glory and ornament of the Virgin Mother of God, for the exaltation of the Catholic faith and the increase of the Christian religion, by the authority of our Lord Jesus Christ, of the blessed Apostles Peter and Paul, and of our own, we declare, pronounce and define: the doctrine which holds that the most blessed Virgin Mary, in the first instant of her Conception, was preserved immune from every stain of original guilt, by a singular grace and privilege of almighty God, in view of the merits of Christ Jesus the Savior of the human race, is revealed by God, and therefore is to be believed firmly and constantly by all the faithful. Wherefore, if any shall have presumed to think in their heart otherwise than has been defined by us — which God avert — let them know and understand that they are condemned by their own judgment, have suffered shipwreck concerning the faith, and have fallen away from the unity of the Church, and that by the very fact they subject themselves to the penalties established by law, if they shall have dared to signify what they feel in their heart by word, in writing, or by any other external manner whatsoever. »

« Ad honorem sanctae et individuae Trinitatis, ad decus et ornamentum Virginis Deiparae, ad exaltationem fidei catholicae et christianae Religionis augmentum, authoritate Domini nostri Jesu Christi, beatorum Apostolorum Petri et Pauli, ac nostra, declaramus, pronuntiamus et definimus, doctrinam quae tenet beatissimam Virginem Mariam in primo instanti suae Conceptionis fuisse, singulari omnipotentis Dei gratia et privilegio, intuitu meritorum Christi Jesu Salvatoris humani generis, ab omni originalis culpae labe preservatam immunem, esse a Deo revelatam, atque ideirco ab omnibus fidelibus firmiter constanterque credendam. Quapropter, si qui secus ac a nobis definitum est, quod Deus avertat, praesumpserint corde sentire, ii noverint ac porro sciant, se proprio judicio condemnatos, naufragium circa fidem passos esse et ab unitate Ecclesiae defecisse, ac propterea facto ipso suo semet poenis a jure statutis subjicere, si quod corde sentiunt, verbo aut scripto, vel alio quovis externo modo significare ausi fuerint. »

32 This decree was everywhere hailed with incredible joy by the faithful peoples, who, together with their bishops publishing the definition, cried out eagerly: *Peter has spoken through the mouth of Pius IX. Rome has spoken, the cause is finished.*

Hoc decretum ubique incredibili laetitia fuit salutatum a fidelibus populis, qui cum episcopis suis definitionem publicantibus certatim clamabant : Petrus per os Pii IX locutus est. Roma locuta est, causa finita est.

33 2° It is proved from Sacred Scripture. *Gen.*, III, 14 and 15. After Adam's fall, promising man a repairer and redeemer to be born of the new Eve, that is, of Mary, the Lord says to the serpent.... *I will put enmities between thee and the woman, and thy seed and her seed. She shall crush thy head.* The holy Fathers unanimously taught that this woman who crushed the head of the serpent, or of the devil, is none other than the future mother of the Redeemer. Yet unless B. Mary, the mother of Christ, had been in her conception entirely immune from the stain of original sin, she did not truly crush the head of the serpent, whose dominion she was on the contrary first made subject to, made his bondswoman for some time. Therefore in her conception she was immaculate.

2° Probatur Scriptura sacra. Gen.*, III, 14 et 15. Post lapsum Adami, homini promittens reparatorem et redemptorem ex nova Eva, id est ex Maria, nasciturum, ait Dominus ad serpentem....* Inimicitias ponam inter te et mulierem, et semen tuum et semen illius. Ipsa conteret caput tuum. *SS. Patres unanimiter docuerunt hanc mulierem quae contrivit caput serpentis, seu diaboli, non aliam esse quam futuram matrem Redemptoris. Atqui, nisi B. Maria, mater Christi, in conceptione sua omnino a labe originalis peccati fuerit immunis, non vere contrivit ipsa caput serpentis, cujus e contra dominio primum subjecta est, ejus mancipium per aliquod tempus effecta. Ergo in sua conceptione fuit immaculata.*

34 After the promise come the figures. All things that pertain to the mystery of the redemption of the human race had to be prefigured, and it was fitting that among the prophetic symbols some should announce and depict the future mother of the Savior. Therefore the sanctity of her conception ought to have been expressed symbolically. And that it was so done is established from the dogmatic constitution *Ineffabilis Deus*, in which the ancient figures of this mystery are not only enumerated but explained according to tradition, in this manner: « Now those same Fathers saw the eminent and singular triumph of the Virgin, and her most excellent innocence, purity, holiness, and her integrity free from every stain of sin, and the ineffable abundance and magnitude of all heavenly graces, virtues and privileges, at one time in the Ark of Noah, which, constituted by God, escaped quite safe and sound from the common shipwreck of the whole world; at another in that Ladder which Jacob saw reaching from earth even to heaven, on whose steps the angels of God ascended and descended, and upon whose top the Lord himself leaned; then again in that Bush which Moses saw burning on every side in a holy place amid the crackling flames of fire, yet not consumed or suffering the least loss, but beautifully green and flowering; then in that impregnable Tower facing the enemy, from which hang a thousand shields and all the armor of the strong; then in that enclosed Garden which knows not how to be violated or corrupted by any deceits of snares; then in that resplendent City of God whose foundations are in the holy mountains; then in that most august Temple of God which, shining with divine splendors, is full of the glory of the Lord; then in other figures of the same kind altogether very many, by which the sublime dignity of the Mother of God, her unsullied innocence, and her holiness liable to no stain whatever had been signally foretold, as the Fathers delivered.

Post promissionem veniunt figurae. Omnia quae ad mysterium redemptionis generis humani pertinent debuerunt praefigurari, et congruebat ut inter symbola prophetica aliqua futuram matrem salvatoris nuntiarent et depingerent. Ergo sanctitas ejus conceptionis debuit symbolice exprimi. Et ita factum fuisse constat ex constitutione dogmatica Ineffabilis Deus*, in qua figurae antiquae hujus mysterii non tantum enumerantur, sed secundum traditionem explicantur, hoc modo : « Nunc eximium singularemque Virginis triumphum, excellentissimamque innocentiam, puritatem, sanctitatem, ejusque ab omni peccati labe integritatem, atque ineffabilem coelestium omnium gratiarum, virtutum ac privilegiorum copiam et magnitudinem iidem Patres viderunt, tum in Arca Noe, quae divinitus constituta, a communi totius mundi naufragio plane salva et incolumis evasit; tum in Scala illa quam de terra ad caelum usque pertingere vidit Jacob, cujus gradibus angeli Dei ascendebant et descendebant, cujusque vertici ipse innitebatur Dominus; tum in Rubo illo quem in loco sancto Moyses undique ardere ac inter crepitantes ignis flammas non jam comburi aut jacturam vel minimam pati, sed pulchre virescere ac florescere conspexit; tum in illa inexpugnabili Turri a facie inimici, ex qua mille clypei pendent, omnisque armatura fortium; tum in Horto illo concluso qui nescit violari neque corrumpi ullis insidiarum fraudibus; tum in corusca illa Dei Civitate cujus fundamenta in montibus sanctis; tum in augustissimo illo Dei Templo quod divinis refulgens splendoribus, plenum est gloriae Domini; tum in aliis ejusdem generis omnino plurimis, quibus excelsam Deiparae dignitatem, ejusque illibatam innocentiam, et nulli unquam naevo obnoxiam sanctitatem insigniter praenuntiatam fuisse Patres tradiderunt.*

35 » To describe this same integrity of the Virgin, of whom Jesus was born, as it were the sum and original [store] of divine gifts, those same men, employing also the words of the Prophets, celebrated the august Virgin no otherwise, namely as a Dove pure and holy, as Jerusalem, as the lofty Throne of God, and the Ark of sanctification, and the House which eternal wisdom will build for itself, and that Queen who, flowing with delights and leaning upon her Beloved, came forth from the mouth of the Most High altogether perfect, beautiful, and wholly dear to God, never spotted with any stain of defilement. »

> *» Ad hanc eamdem divinarum munerum veluti summam originalemque Virginis, de qua natus est Jesus, integritatem describendam, iidem Prophetarum adhibentes eloquia, non aliter ipsam augustam Virginem concelebrarunt ac uti Columbam mundam et sanctam Jerusalem, et excelsum Dei Thronum, et Arcam sanctificationis, et Domum quam sibi aeterna aedificabit sapientia, et Reginam illam quae deliciis affluens et innixa super Dilectum suum, ex ore Altissimi prodivit omnino perfecta, speciosa ac penitus cara Deo et nullo unquam labis naevo maculata. »*

36 To these are added those words applied to the Virgin in the sacred liturgy from the Canticle of canticles as to a spouse: ⟨Cant., II, 10 : Arise, my love, my spouse⟩, ⟨...⟩ among the daughters; ibid., IV, 7 : *Thou art all fair, my love, and there is not a spot in thee*; ibid., VI, 9 : *Who is she that goeth forth as the morning rising, fair as the moon, chosen as the sun?*

> *Accedunt et haec verba quae in sacra liturgia Virgini applicantur ex Cantico canticorum utpote sponsae : ⟨Cant., II, 10 : Surge, amica mea, sponsa⟩, ⟨...⟩ inter filias; ibid., IV, 7 :* Tota pulchra es, amica mea, et macula non est in te*; ibid., VI, 9 :* Quae est ista quae progreditur quasi aurora consurgens, pulchra ut luna, electa ut sol?

37 The Gospel accords with the Old Scripture, describing the reality prefigured. Mary, even before the consummation of the mystery of the incarnation, is greeted by the angel as full of grace, *Luc.*, I, 28, that is, laden with all the graces with which God can enrich any creature: which plenitude necessarily includes, as its principle, the singular sanctity of her conception. Whence there is added in the aforesaid bull: « But whereas those same Fathers and writers of the Church pondered in mind and heart that the most blessed Virgin, when the angel Gabriel announced to her her most sublime dignity as Mother of God, was named full of grace by the name and command of God himself, they taught that by this singular and solemn salutation, never heard elsewhere, it was shown that the Mother of God was the seat of all divine graces, adorned with all the charisms of the divine Spirit, nay more, the well-nigh infinite treasury and inexhaustible abyss of those same charisms, so that, never liable to malediction, and partaker with her Son of perpetual blessing, she merited to hear, moved by the divine Spirit, from Elizabeth: *Blessed art thou amongst women, and blessed is the fruit of thy womb.* »

> *Veteri Scripturae concinit Evangelium, realitatem praefiguratam describens. Maria, etiam ante consummationem mysterii incarnationis, salutatur ab angelo gratia plena,* Luc.*, I, 28, id est cumulata omnibus gratiis quibus Deus potest creaturam aliquam ditare : quae plenitudo singularis sanctitatem conceptionis necessario includit, ut principium. Unde in bulla praedicta additur : « Cum vero ipsi Patres Ecclesiaeque scriptores animo menteque reputarent beatissimam Virginem ab angelo Gabriele sublimissimam Dei Matris dignitatem ei nuntiante, ipsius Dei nomine et jussu gratia plenam fuisse nuncupatam, docuerunt haec singulari solemnique salutatione, nunquam alias audita, ostendi, Deiparam fuisse omnium divinarum gratiarum sedem, omnibusque divini spiritus charismatibus exornatam, immo eorumdem charismatum infinitum prope thesaurum, abyssumque inexhaustum, adeo ut nunquam maledicto obnoxia et una cum Filio perpetuae benedictionis particeps, ab Elisabeth divino acta Spiritu audire meruerit :* Benedicta tu inter mulieres, et benedictus fructus ventris tui. »

38 What could be wished more explicit in the sacred writings for proving, by divine authority, that the conception of the blessed Virgin Mary was altogether untouched and wholly immune from the original stain?

> *Quid expressius desiderari posset in sacris eloquiis ad probandum authoritate divina conceptionem beatae Virginis Mariae fuisse omnino intemeratam et ab originali labe prorsus immunem?*

39 3° It is proved from tradition. Beyond measure would grow the heap of testimonies if, besides the acts of the Holy See related above, we attempted to transcribe either the decrees of particular councils, or the professions of universities and ecclesiastical writers, or the eulogies of the holy Fathers, which affirm, demonstrate and extol the purity and sanctity of the Immaculate Virgin in her very Conception. Let it suffice briefly to indicate certain ones.

> *3° Probatur traditione. In immensum cresceret congeries testimoniorum, si, praeter acta S. Sedis superius relata, transcribere tentaremus sive conciliorum particularium decreta, sive universitatum et scriptorum ecclesiasticorum professiones, sive SS. Patrum encomia, quae affirmant, demonstrant et extollunt puritatem et sanctitatem Immaculatae Virginis in ipsa sua Conceptione. Quaedam breviter indicare sufficiat.*

40 All the provincial synods of the current century have testified their adherence to this doctrine, requesting that this truth be at length defined by the Apostolic See as of faith. The councils of the XVI and XV centuries vindicating the privilege of the Mother of God prescribed that the decree of Sixtus IV be observed; and at those same times fifty universities and more, in all parts of the Christian world, solemnly adhered to this opinion, many of which, like the University of Paris in the year 1496, enacted « that no one henceforth be inscribed in this our sacred college unless he profess under oath that he will always, according to his powers, be an assertor of this religious doctrine and its strenuous champion. »

> *Omnes synodi provinciales saeculi currentis huic doctrinae adhaerere testatae sunt, postulantes ut haec veritas tamquam de fide ab apostolica Sede tandem definiretur. Concilia XVI et XV saeculi privilegium Deiparae vindicantia, decretum Sixti IV servari praescripserunt, et iisdem temporibus quinquaginta universitates et amplius in omnibus christiani orbis partibus solemniter huic sententiae adhaeserunt, quarum plures, ut universitas Parisiensis, anno 1496, statuerunt « ut nemo deinceps sacro huic nostro collegio adscribatur, nisi se hujus religiosae doctrinae assertorem strenuumque propugnatorem semper pro viribus futurum juramento profiteatur. »*

41 In the year 1222, the Council of Oxford, to commend devotion toward the Immaculate Conception of B. M. V., commemorates the feast of this mystery, instituted by St. Anselm, as already celebrated from that time throughout the whole province of Canterbury. There is read in the acts of the Council of Frankfort, 794: « But we wish also to hear this from you, whether Adam, the first father of the human race, who was born of virgin earth, was created free or a servant. If a servant, how then the image of God? If free, why also was not Christ likewise free-born of a Virgin? Man was indeed made of better earth, even animated and immaculate, the Holy Spirit operating. »

> *Anno 1222, concilium Oxoniense, ad commendandam devotionem erga Immaculatam Conceptionem B. M. V., commemorat festum hujus mysterii, a S. Anselmo institutum, jam ab eo tempore in tota provincia Cantuariensi celebrari. Legitur in actis concilii Francofortiensis, 794 : « Sed et hoc volumus a vobis audire, an Adam, primus humani generis pater, qui de terra virgine natus est, liber esset conditus, sive servus. Si servus, quomodo tunc imago Dei? Si liber, quare et Christus quoque non ingenuus ex Virgine? Meliore quidem terra, etiam animata et immaculata, spiritu Sancto operante, factus est homo. »*

42 According to the second Council of Nicaea, the seventh general council, there was approved the synodal letter of Theodore, patriarch of Jerusalem, in which he had written: « Who is truly the Mother of God, and a virgin before childbirth and after childbirth, and created higher than the glory and splendor of all intelligible and sensible nature. » But how was she created higher than the very intelligible natures, that is, the angels, if she was defiled with the original stain in her Conception or creation? The Third Council of Constantinople, the sixth general council, 680, had approved another synodal letter of St. Sophronius, likewise patriarch of Jerusalem, professing that the Son of God became incarnate in the womb of « Mary, holy, honorable and divine, and free from all defilement. » He is that Sophronius whose sermon, in which the perfect sanctity of the blessed Virgin is extolled, was inserted into the new office of the Immaculate Conception. The Lateran Council, convened under Martin I in the year 649, calls the Mother of Christ « holy and ever Virgin, and Immaculate. »

Secundum concilium Nicaenum, generale septimum, probavit epistolam synodicam Theodori, patriarchae Hierosolymitani, in qua scripserat : « Quae vere Dei Mater est, et ante partum et post partum Virgo, atque omnis intelligibilis ac sensibilis naturae gloria et claritate creata sublimior. » Quomodo autem creata fuit gloria et claritate sublimior ipsis intelligilibus naturis, id est angelis, si labe originali in sua Conceptione seu creatione fuit foedata? Tertium concilium Constantinopolitanum, generale sextum, 680, probaverat aliam epistolam synodicam S. Sophronii item patriarchae Hierosolymitani profitentis Filium Dei incarnatum fuisse in sinu « Mariae sanctae, honestae et divinae, et ab omni inquinamento liberae. » Ille est Sophronius cujus sermo, in quo extollitur perfecta sanctitas beatae Virginis, in novo officio Immaculatae Conceptionis fuit insertus. Concilium Lateranense, sub Martino I congregatum, anno 649, Matrem Christi appellat « sanctam semperque Virginem, et Immaculatam. »

43 Innumerable texts exist of the writers of these times which celebrate the perfect sanctity of the Mother of God and even expressly affirm that her Conception was immune from every stain. Since it is impossible even to inscribe their names here, let our Angelic Doctor speak in behalf of all, who says, *In I Sentent.*, dist. 44, q. 1, a. 3, ad 3: « Purity is increased by withdrawal from its contrary, and therefore there can be found a creature than which nothing purer could exist among created things, if it were infected by no contagion of sin. And such was the purity of the blessed Virgin, who was immune from original and actual sin. » Below we shall examine whether the contrary texts attributed to the same Doctor are genuine.

Exstant innumeri textus scriptorum horumce temporum qui celebrant perfectam Deiparae sanctitatem et etiam expresse affirmant ejus Conceptionem fuisse ab omni labe immunem. Cum impossibile sit nequidem eorum nomina hic inscribere, vice omnium loquatur noster Doctor Angelicus, qui dicit, In I Sentent.*, dist. 44, q. 1, a. 3, ad 3 : « Puritas intenditur per recessum a contrario, et ideo potest aliquid creatum reperiri quo nihil purius esse potuit in rebus creatis, si nulla contagione peccati infectum sit. Et talis fuit puritas beatae Virginis, quae a peccato originali et actuali immunis fuit. » Expendemus infra an textus contrarii qui eidem Doctori attributi fuerunt sint genuini.*

44 Constrained by the narrowness of space, we shall relate only certain testimonies of the Fathers, and especially the older ones. St. Augustine, *de Natura et gratia*, c. 36, n. 42: « Excepting the holy Virgin Mary, of whom, on account of the honor of the Lord, I will to have no question whatsoever when sins are spoken of: for how do we know what greater measure of grace was conferred upon her for conquering sin on every side, who merited to conceive and bear him of whom it is known that he had no sin? This Virgin excepted, then, if we could gather together all those holy men and women while they lived here and ask them whether they were without sin, what do we think they would have answered?... Would they not have cried out with one voice: If we say that we have no sin, we

deceive ourselves, and the truth is not in us? » On account of her divine maternity, Mary conquered sin on every side. Therefore also original sin.

Angustiâ loci constricti, quaedam tantum testimonia Patrum referemus, et praesertim antiquiora. S. Augustinus, de Natura et gratia*, c. 36, n. 42 : « Excepta sancta Virgine Maria, de qua, propter honorem Domini, nullam prorsus, cum de peccatis agitur, haberi volo quaestionem : unde enim scimus quid ei plus gratiae collatum fuerit ad vincendum omni ex parte peccatum, quae concipere ac parere meruit quem constat nullum habuisse peccatum? Hanc ergo Virginem exceptam, si omnes illos sanctos et sanctas, cum hic viverent, congregare possemus et interrogare, utrum essent sine peccato, quid fuisse responsuros putamus?... Nonne una voce clamassent : Si dixerimus quia peccatum non habemus, nos ipsos decipimus, et veritas in nobis non est? » Propter maternitatem divinam, Maria vicit omni ex parte peccatum. Ergo et peccatum originale.*

45 Against Julian the Pelagian himself objecting against original sin — book IV *Operis imperf. contra Julian.*, c. 122: « Thou dost transcribe into the devil the very Mary by the condition of birth » — the same Doctor answers: « We shall not transcribe Mary into the devil by the condition of birth, but for this reason, because that condition itself is dissolved by the grace of rebirth. » Whence Mary, as daughter of Adam according to the flesh, indeed had the obligation of contracting original sin; but, on account of the dignity of her future divine maternity, she was released from this debt « by the grace of rebirth. » St. Ambrose, *in Ps.* CXVIII: « To this paradise the entrance of the serpent was not opened. O most holy one, who didst outwit principalities and powers, preserved immaculate for the spouse of God! » St. Jerome, or another writer of that time who left commentaries on the Psalms under the name of the holy Doctor, explaining this passage *Ps.* LXXVII, 14 : And he brought them out in the cloud of the day, says of the Virgin Mary: « That cloud was not in darkness, but always in light. » Sophronius, contemporary of Jerome, *Hom. in Assumpt.*: Mary is « therefore immaculate, because corrupted in nothing. » St. John Chrysostom, Sermon apud Metaphrastem: « What is holier than she [Mary]? Neither prophets, nor apostles, nor martyrs, nor patriarchs, nor angels, nor thrones, nor dominations, nor seraphim, nor cherubim, nor finally anything else whatsoever among created things visible or invisible, can be found greater or more excellent. » St. Ephrem, *in Orat. ad B. V.*: « O Virgin Lady, Immaculate Mother of God,... more honorable than the cherubim, and beyond all comparison far more precious than the heavenly hosts! » Origen, *In cap. 1 Matth.*: « Of this Only-Begotten of God shall this Mother be said to be, the Virgin Mary, worthy of God, immaculate of the Immaculate One, one of the One, single of the Single... A Virgin, neither deceived by the persuasion of the serpent, nor infected by his poisonous breath. »

Juliano Pelagiano ipsi objectanti contra peccatum originale, lib. IV Operis imperf. contra Julian.*, c. 122 : « Tu ipsam Mariam diabolo nascendi conditione transcribis; » respondet idem Doctor : « Non transcribemus diabolo Mariam conditione nascendi, sed ideo quia ipsa conditio solvitur gratiâ renascendi. » Unde Maria, ut Adam filia secundum carnem, habebat quidem debitum originale peccatum contrahendi; sed, propter dignitatem futurae maternitatis divinae, fuit ab hoc debito soluta « gratia renascendi. » S. Ambrosius,* in Ps. *CXVIII : « Ad hunc paradisum serpenti aditus non patuit. O sanctissima, quae principatus et potestates fefellisti, immaculata conservata in Dei sponsam! » S. Hieronymus, vel alius hujus temporis qui sub nomine S. Doctoris reliquit commentarios in Psalmos, explicans hunc locum* Ps. *LXXVII, 14 : Et deduxit eos in nube diei, dicit de Virgine Maria : « Nubes illa non fuit in tenebris, sed semper in luce. » Sophronius, Hieronymo coevus,* Hom. in Assumpt. *: Maria « ideo immaculata, quia in nullo corrupta. » S. Joannes Chrysost., Sermo apud Metaphrasten : « Quidnam illa [Maria] sanctius? Non prophetae, non apostoli, non martyres, non patriarchae, non angeli, non throni, non dominationes, non seraphim, non cherubim, non denique aliud quidpiam inter creatas res visibiles aut invisibiles, majus aut excellentius inveniri potest. » S. Ephrem,* in Orat. ad B. V. *: « O*

Virgo Domina, Immaculata Deipara,... honorabilis magis quam cherubim, et sine ulla comparatione magis quam coelestes exercitus multo pretiosior! » Origenes, In cap. 1 Matth. *: « Hujus Unigeniti Dei dicetur haec Mater, Virgo Maria, digna Dei, immaculata Sancti immaculati, unius unius, unica unici... Virgo neque persuasione serpentis decepta est, neque ejus afflatibus venenosis infecta. »*

46 St. Hippolytus of Porto, in the Bibliotheca Patrum (Gallandi): « The ark of woods that could not rot was the Savior himself. For through it is signified his Tabernacle exempt from putrefaction and corruption, which generated no putrefaction of sin. » In the Letter of the presbyters and deacons of Achaia on the martyrdom of St. Andrew, in Surius, under November 30, Andrew is read to have said to Egeas the proconsul, among many other things: « Because the first man had been created from immaculate earth, it was necessary that the perfect Man be born of an Immaculate Virgin. »

S. Hippolytus Portuensis, in Biblioth. Patrum (Gallandi) : « Arca ex lignis quae putrescere non poterant erat ipse Salvator. Per hanc enim putredinis et corruptionis expers ejus Tabernaculum significatur, quod nullam peccati putredinem genuit. » In Epistola presbyterorum et diaconorum Achaiae de martyrio S. Andreae, apud Surium, die 30 nov., legitur Andream Egeo proconsuli, inter plura, dixisse : « Propterea quod ex immaculata terra creatus fuerat primus homo, necesse erat ut ex Immaculata Virgine nasceretur perfectus Homo. »

47 Hundreds upon hundreds of other testimonies we are forced to pass over, which were gathered together especially by Passaglia, *De Immaculata Deiparae semper Virginis Conceptu commentarius*; by Ant. Ballerini, *Sylloge monumentorum ad mysterium Concept. Imm. Virginis Deiparae illustrandum*; by Em. Card. Gousset, *La croyance de l'Eglise touchant l'Immaculée Conception de la B. Vierge Marie.*

Sexcenta alia testimonia praetermittere cogimur, quae conglomerata fuerunt praecipue a Passaglia, De Immaculata Deiparae semper Virginis Conceptu commentarius*; ab Ant. Ballerini,* Sylloge monumentorum ad mysterium Concept. Imm. Virginis Deiparae illustrandum*; ab Em. Card. Gousset,* La croyance de l'Eglise touchant l'Immaculée Conception de la B. Vierge Marie.

48 4° It is proved by reason. Since the blessed Virgin, as propagated seminally from Adam, in whom all sinned, had the debt of contracting original sin, from which she was not preserved except « in view of the merits of Christ Jesus the Savior of the human race, » she can be proved fit to be endowed with this singular privilege on no other theological ground than the ground of congruity. This argument is most valid, if it is demonstrated that the contrary would not have beseemed either the three divine persons considered singly, or the Mother of God herself.

4° Probatur ratione. Cum beata Virgo, ut seminaliter propagata ab Adam, in quo omnes peccaverunt, habuerit debitum contrahendi peccatum originale, a quo non fuit preservata nisi « intuitu meritorum Christi Jesu Salvatoris humani generis, » non alia ratione theologica probari potest eam fuisse hoc singulari privilegio donandam, quam ratione congruentiae. Hoc argumentum validissimum est, si demonstretur quod contrarium non decuisset neque tres personas divinas singulatim consideratas, neque ipsam Deiparam.

49 But that it is so is easily demonstrated.

Atqui ita esse facile demonstratur.

50 It did not beseem the Father. By force of the eternal decree by which the future incarnation of the Word was ordained, the Father chose the woman who would temporally generate, according to human nature, him whom he himself generates eternally according to divine nature; so that, by the dispensation of the sacrament hidden from eternity in God, *Ephes.*, III, 9, the same person might

become the Son common to God the Father and to Mary. Yet God the Father, whose nature is holiness, could not admit to such partnership a creature whom he would not have willed holy — if not by essence, at least by grace and privilege, and in a higher degree than a creature is capable of: and this holiness necessarily includes immunity, not only from every actual sin, but also from the original stain. Therefore.

> *Non decebat Patrem. Vi decreti aeterni quo fuit statuta futura Verbi incarnatio, Pater elegit foeminam quae temporaliter generaret secundum humanam naturam quem aeternaliter generat ipse secundum naturam divinam; ita ut dispensatione sacramenti absconditi a saeculis in Deo,* Ephes.*, III, 9, eadem persona fieret Filius communis Dei Patris et Mariae. Atqui Deus Pater, cujus natura est sanctitas, ad tale consortium admittere non poterat creaturam qua non ruisset sancta, si non per essentiam, saltem ex gratia et privilegio, et in altiori gradu cujus est capax creatura : et haec sanctitas necessario includit immunitatem, non tantum ab omni peccato actuali, sed etiam ab originali labe. Ergo.*

51 It did not beseem the Son. The divine Word is not truly made man unless he takes true human flesh, that is, flesh drawing its origin from Adam and communicated to him by his Mother, although the mode of this communication was singular and exceeded the common laws of human generation. Whence St. Bernard, in accord with Augustine and the other Fathers, does not hesitate to affirm, Hom. 4 super Missus est, n. 4, that the Holy Spirit, that he might form the body for the Son of God, « made of the little portion of the body of the same [Mary], and of the substance of the remainder of the mass, a tabernacle. » Yet, since the Son of God made man did not cease to be the splendor of glory and the figure of the substance of the Father, *Hebr.*, I, 3, and although he had come to redeem sinners, it behooved him to be separate from sinners, ibid., VII, 26; with a holiness essentially inhering in the Godhead, it would have been unseemly and shameful for him if the flesh from which he took his own flesh had been previously defiled with the original stain. Therefore, as is said in the bull of definition, « it altogether beseemed that, as the Only-Begotten had a Father in heaven whom the seraphim extol as thrice Holy, so he should have a Mother who never lacked the splendor of holiness. »

> *Non decebat Filium. Verbum divinum non vere factus est homo, nisi veram carnem humanam sumpserit, id est carnem ab Adam originem trahentem et ei a Matre communicatam, quamvis modus hujus communicationis fuerit singularis et leges communes generationis humanae excedens. Unde S. Bernardus, cum Augustino et caeteris Patribus concinens, affirmare non dubitat, Hom. 4 super Missus est, n. 4, Spiritum sanctum, ut Filio Dei corpus efformaret, « de portiuncula ejusdem [Maria] corporis et de ejus substantia reliquae massae umbraculum fecisse. » Atqui, cum Filius Dei homo factus non desierit esse splendor gloriae et figura substantiae Patris,* Hebr.*, I, 3, et quamvis peccatores redempturus venerat, debuerit esse segregatus a peccatoribus, ibid., VII, 26, sanctitate divinitati essentialiter inhaerenti, indecorum et probrosum ei esset, si caro ex qua propriam carnem sumpsit fuisset prius labe originali coinquinata. Ergo, ut dicitur in bulla definitionis, « prorsus decebat ut, sicut Unigenitus in coelis Patrem habuit quem seraphim ter Sanctum extollunt, ita Matrem haberet qua nitore sanctitatis nunquam caruerit. »*

52 It did not beseem the Holy Spirit. Through the divine incarnation Mary was truly made the spouse of the Holy Spirit. For the angel said to her, *Luc.*, I, 35 : *The Holy Ghost shall come upon thee, and the power of the Most High shall overshadow thee. And therefore also the Holy which shall be born of thee shall be called the Son of God.* « Which is to say, says St. Bernard, ibid.: Because thou shalt conceive not of man, but of the Holy Ghost. » Yet it is unbelievable that the Holy Spirit could have chosen and united to himself as spouse a woman not wholly and always unsullied, one who would not have been altogether innocent and holy. Therefore. And thus are verified these words dictated by the Holy Spirit and

applied by the Church to the blessed Mother of God, *Cantic.*, IV, 7 : *Thou art all fair, my love, and there is not a spot in thee.*

> *Non decebat Spiritum sanctum. Per incarnationem divinam Maria vere Spiritus sancti sponsa effecta est. Angelus enim dixit ei,* Luc., *I, 35 :* Spiritus sanctus superveniet in te, et virtus Altissimi obumbrabit tibi. Ideoque id quod nascetur ex te Sanctum vocabitur Filius Dei. *« Quod est dicere, ait S. Bernardus, ibid. : Quoniam non de homine, sed de Spiritu sancto concipies. » Atqui incredibile est Spiritum sanctum in sponsam eligere et sibi unire potuisse foeminam non undequaque et semper illibatam, quae innocens prorsus et sancta non fuisset. Ergo. Et ita verificantur haec verba a Spiritu sancto dictata et ab Ecclesia beatae Deiparae applicata,* Cantic., *IV, 7 :* Tota pulchra es, amica mea, et macula non est in te.

53 These three arguments are thus set forth summarily by St. Anselm, de Conceptu virginali, c. 18: « It was fitting that that Virgin shine with that purity greater than which cannot be understood under God, to whom God the Father disposed to give his only Son, whom he begot equal to himself from his own heart and loved as himself, so that naturally he would be one and the same, the common Son of God the Father and the Virgin; and whom the Son himself chose to make substantially his Mother; and of whom the Holy Spirit willed and was about to operate that that be conceived and born of which he himself proceeds. »

> *Tria haec argumenta ita summatim a S. Anselmo exponuntur, de Conceptu virginali, c. 18 : « Decens erat ut ea puritate qua major sub Deo nequit intelligi Virgo illa niteret, cui Deus Pater unicum Filium suum, quem de corde suo aequalem sibi genitum tamquam seipsum dilegebat, ita dare disponebat, ut naturaliter esset unus idemque communis Dei Patris et Virginis Filius, et quam ipse Filius substantialiter facere sibi Matrem eligebat, et de qua Spiritus sanctus volebat et operaturus erat ut conciperetur et nasceretur illud de quo ipse procedebat. »*

54 It did not beseem the Mother of God herself. The future mother of the Redeemer had been elected from eternity as, for her part, the repairer of the human race, who therefore was to crush the serpent's head, *Gen.*, III, 15, whereby full victory over the devil is promised to her. « To whom has this victory been reserved, if not to Mary? » says St. Bernard, Hom. 2 super Missus est, n. 4. Yet Mary certainly would not have crushed the serpent's head, nor won full victory over him, if the serpent had held her under his power for even one instant, at least through original sin, and could boast that, though afterward conquered by her, he had nonetheless been her first conqueror: which would evidently have obscured her glory no less than her sanctity. Therefore. Whence the holy Fathers constantly oppose Mary, as the second Eve, to the former Eve, because in her place she was made the mother of the living through grace, whereas the former Eve had been created innocent and immaculate. Therefore supreme fitness required that the new Eve likewise be conceived innocent and immaculate.

> *Non decebat ipsam Deiparam. Futura redemptoris mater electa fuerat ab aeterno ut generis humani pro sua parte reparatrix, quae ideo serpentis caput contritura erat,* Gen., *III, 15, per quod plena ei promittitur de diabolo victoria. « Cui haec servata victoria est, nisi Mariae ? » inquit S. Bernardus, Hom. 2 super Missus est, n. 4. Atqui serpentis caput certe non contrivisset Maria, et plenam ab eo victoriam non reportasset, si serpens saltem per originale peccatum uno tantum instanti eam sub potestate sua tenuisset, et gloriari posset se, quamvis ab ea postmodum victum, ejus tamen fuisse primo victorem : quod evidenter, sicut Mariae sanctitatem, ita ejus gloriam offuscaret. Ergo. Unde constanter a SS. Patribus Maria, ut altera Eva, antiquae Evae opponitur, quia loco prioris facta est mater viventium per gratiam, Eva prior condita fuerat innocens et immaculata. Ergo novam pariter innocentem et immaculatam concipi summa decentia exigebat.*

Whether St. Thomas denied that the blessed Virgin Mother of God was immune from original sin?

1 *I say*: It cannot be affirmed that St. Thomas ever denied that great privilege of the Mother of God.

> Dico : *Non potest affirmari S. Thomam magnum illud Matris Dei privilegium unquam negavisse.*

2 *It is proved* 1° by presumptions. 1° The Angelic Doctor with eminent reason proved the fittingness of the incarnation of the Word of God, 3ª p., q. 1, a. 1, c. Moreover, as was demonstrated in the preceding article, it conduced most congruously to the divine incarnation that the Deipara should be in her conception wholly immune from original stain. It would be wonderful therefore if so great a Doctor not only had not perceived this fittingness, but even attacked it, as the adversaries contended.

> Probatur *1° praesumptionibus. 1° Doctor Angelicus ratione eximia probavit convenientiam incarnationis Verbi Dei, 3ª p., q. 1, a. 1, c. Porro, ut demonstratum est art. praec., maxime congruebat incarnationi divinae ut Deipara fuerit in conceptione sua prorsus immunis a labe originali. Mirum ergo esset, si tantus Doctor hanc convenientiam non tantum non percepisset, sed etiam impugnasset, ut contenderunt adversarii.*

3 2° Already before the time when St. Thomas flourished, the feast of the Conception was celebrated in the East almost from the origin of the Church, and in many western churches for two hundred years, the apostolic See knowing and not gainsaying, as we proved above. Moreover our Doctor reasons thus concerning the Nativity of the Deipara, 3ª p., q. 27, a. 1, in arg. *Sed contra*: « The Church celebrates the Nativity of blessed Virgin. But no feast is celebrated in the Church except on account of some holy one. *Therefore* blessed Virgin was holy in her very Nativity. » How can it be supposed that he admitted, even implicitly, that the Roman Church would have tolerated the celebration of a feast whose error had been so grave its only foundation?

> *2° Jam ante tempus quo floruit S. Thomas, festum Conceptionis celebrabatur in Oriente fere ab exordio Ecclesiae, et in pluribus occidentalibus ecclesiis a ducentis annis, Sede apostolica sciente et non contradicente, ut supra probavimus. Porro Doctor noster ita de Nativitate Deiparae ratiocinatur, 3ª p., q. 27, a. 1, in arg.* Sed contra *: « Ecclesia celebrat Nativitatem beatae Virginis. Non autem celebratur festum in Ecclesia, nisi pro aliquo sancto. Ergo beata Virgo in ipsa sua Nativitate fuit sancta. » Quomodo supponi potest eum admisisse, etiam implicite, quod Ecclesia Romana tolerasset celebrationem festi cujus error tam gravis fuisset unicum fundamentum?*

4 3° The doctrine whereby he holds the Deipara to have been immaculate in her Conception belonged to the tradition of the family of Preachers. St. Dominic, founder of this Order, had openly professed it in the book written against the Albigenses which, the heretics demanding a miracle that all things which it contained be divinely confirmed, was cast into fire before them standing by, and remained unharmed. Moreover there was read in this book this testimony of St. Andrew the apostle extracted from the relation of his martyr, which we already related above: « Because there would be born from an immaculate Virgin the perfect Man. » This remarkable fact, that it had been sculptured in the ancient tablet which was long conserved in the city of Barcelona, is consigned in the Armamentario Seraphico for defending the title of the Immaculate Conception of B. M. V., and was lately asserted and proved by Card. Lambruschini in the polemical Dissertation published in favor of this truth. After St. Dominic, who died in the year 1121, no writer is cited among his sons who denied the privilege of the Deipara before the year 1387, in which John of Montesono spread abroad several propositions contrary to this glorious immunity. And the audacity of this author offended pious ears so gravely that the University of Paris brought against him a judgment, and obeying the royal mandate, the Parisian Dominicans publicly rejected and condemned the aforesaid propositions, and

solemnly celebrated the feast of the Conception of B. M. V. [1]. Moreover, as is clear from the statute of the Faculty of Theology of Paris of March 3, 1496, the University of that same city professed the immunity of Mary from original sin before John of Montesono attacked it; and it is certain that she interpreted the Sentences of the Master with highest praise no otherwise than she thought with St. Thomas, most eminent among her doctors. Moreover it is incredible that the Angelic Doctor spurned the doctrine of his father Dominic, which the celebrated University wherein, having first attained the laurel of doctor, he afterward exercised the magisterium, held even as a most excellent part of its patrimony. And in reality he held and taught it, as shall soon be demonstrated from his commentary upon the Sentences.

[1] « In the year 1387, when John de Montesono, a doctor of theology from the Order of Preachers, had defended in public lectures fourteen propositions (they can be seen in the Appendix to tom. I of the Works of Gerson, latest edition, pag. 693 and 694), one of which was, that B. Virgin was conceived in original stain, against these came forth the judgment of the University, which also Peter of Ordeomonte, bishop of Paris and ordinary judge in this matter, confirmed. To Clement VII, whom certain Cardinals in schism favored, and several provinces, and Avignon, where he held his seat, obeying him as true Pontiff, de Montesono appealed, and thither betook himself, that he might defend his propositions. But foreseeing that his cause would fall, he preferred to decline judgment, and fell at Avignon. That indeed was the cause wherefore he was held guilty of contumacy, and abandoned by all who, following his party, publicly sang the palinode. » Bened. XIV, De festis B. M. V., c. 15, De festo Concept. B. V., n. 6.

3° Doctrina qua tenet Deiparam fuisse in sua Conceptione immaculatam ad traditionem familiae Praedicatorum pertinebat. S. Dominicus, hujus Ordinis fundator, eam aperte professus fuerat in libro contra Albigenses scripto, qui, haereticis miraculum petentibus ut divinitus confirmentur omnia quae continebat, in ignem projectus fuit eis adstantibus, et remansit illaesus. Porro in hoc libro legebatur hoc testimonium S. Andreae apostoli ex relatione ejus martyris extractum, quod jam supra retulimus : « Propterea quod ex immaculata Virgine nasceretur perfectus Homo. » Hoc factum insigne quod insculptum fuerat in antiqua tabula quae diu fuit conservata in urbe Barcinonensi, consignatum est in Armamentario Seraphico pro tuendo titulo Immaculatae Conceptionis B. M. V., novissime assertum est et probatum a Card. Lambruschini in Dissertatione polemica in favorem hujus veritatis edita. Post S. Dominicum, qui anno 1121 vita functus est, nullus scriptor citatur inter filios ejus qui privilegium Deiparae negaverit ante annum 1387, quo Joannes de montesono plures propositiones huic immunitati gloriosae contrarias vulgavit. Et hujus authoris audacia tam graviter pias aures offendit, ut Universitas Parisiensis contra eum judicium protulerit, et mandato regio obtemperantes, Dominicani Parisienses publice praedictas propositiones rejecerunt et damnarunt, festumque Conceptionis B. M. V. solemniter celebrarunt [1]. Insuper, ut ex statuto Facultatis Theologiae Parisiensis 3 martii 1496 patet, Universitas ejusdem urbis immunitatem Mariae a peccato originali profitebatur antequam Joannes de Montesono eam impugnaret, et certum est eam non aliter sensisse cum S. Thomas, inter ejus doctores eminentissimus, Sententias Magistri summa cum laude interpretabatur. Porro incredibile est Angelicum respuisse doctrinam sui Patris Dominici, quam etiam ut partem eximiam sui patrimonii habebat celebris Universitas in qua, primum lauream doctoris consecutus, magisterium postea exercuit. Et revera eam tenuit et docuit, ut mox demonstrabitur ex ejus in Sententias commentario.

[1] « Anno 1387, cum Joannes de Montesono, doctor theologus ex ordine Praedicatorum, in publicis lectionibus quatuordecim propositiones propugnasset (eas videre licet in Appendice ad tom. I Operum Gersonis ultimae edit., pag. 693 et 694), quarum quaedam erat, B. Virginem in originali labe esse conceptam, adversus eas Universitatis prodiit judicium, quod etiam Petrus de Ordeomonte, episcopus Parisiensis et in hac re judex ordinarius, confirmavit. Ad Clementem VII, cui quidam in schismate Cardinales favebant, et aliquot provinciae, atque Avenio, ubi ille sedem habebat, tamquam vero Pontifici obediebant, appellavit de Montesono, atque eo se contulit, ut propositiones suas defenderet. Sed causa se casurum prospiciens, judicium declinare maluit, atque Avenione lapsus est. Id vero causae fuit quamobrem tamquam contumaciae reus haberetur, desertusque ab omnibus est qui ejus partes secuti palinodiam publice recantarunt. » Bened. XIV, De festis B. M. V., c. 15, De festo Concept. B. V., n. 6.

5 *It is proved* 2° by the texts of the Angelic Doctor himself. The adversaries of the Immaculate Conception gloried that St. Thomas favored them, and they displayed certain texts of this Doctor whereby their opinion seemed to be buttressed. But that these texts are not genuine but supposititious is easily demonstrated.

> Probatur 2° *textibus ipsius Angelici. Adversarii Immaculatae Conceptionis gloriabantur sibi S. Thomam suffragari, et quosdam textus hujus Doctoris ostentabant quibus eorum sententia fulciri videbatur. Hos vero textus non esse genuinos, sed supposititios, facile demonstratur.*

6 In first place comes what St. Thomas says in I Sentent., dist. 44, q. 1, a. 3, ad 3: « Purity is intensified by recession from the contrary, and therefore something created can be found than which nothing purer could be among created things, if it were infected by no contagion of sin. And such was the purity of blessed Virgin, who was immune from original and actual sin. » It must be noted that St. Thomas, while writing these things, exercised the office of master in the University of Paris, whose doctrine he expressed in these words. This is read in the ancient editions, among which are especially noteworthy the Lyons edition of the year 1520, revised by Lambertus Campensis, and the Roman one of the year 1570, published at the command of S. Pius V, and, as is noted in the title, « collated with the most approved codices. »

> *Primo loco venit quod S. Thomas dicit in I Sentent., dist. 44, q. 1, a. 3, ad 3 : « Puritas intenditur per recessum a contrario, et ideo potest aliquid creatum reperiri quo nihil purius esse potuit in rebus creatis, si nulla contagione peccati infectum sit. Et talis fuit puritas beatae Virginis, quae a peccato originali et actuali immunis fuit. » Advertendum est quod S. Thomas, dum haec scribebat, munus magistri exercebat in Universitate Parisiensi, cujus doctrinam his verbis exprimebat. Hoc legitur in antiquis editionibus, inter quas praecipue notandae sunt Lugdunensis, anni 1520, a Lamberto Campensi revisa, et Romana, anni 1570, jussu S. Pii V publicata, et ut in titulo notatur, « ad probatissimos codices collata. »*

7 In the year 1388, about fifty years before the invention of the art of printing, Peter of Ailly invoked this testimony against John of Montesono, in a writing offered in the name of the University of Paris to Clement VII, the Avignon Pope. No editor dared corrupt and interpolate this text, but because it could be opposed to the adversaries of the Immaculate Conception, Cosmas Morellus expunged it from his Antwerp edition, and this suppression Catharinus and Theophilus Raynaudus noted and gravely disapproved. That place therefore is held indubitably authentic.

> *Anno 1388, quinquagesimo circiter ante artis typographicae inventionem, Petrus Alliacus hoc testimonium invocabat contra Joannem de Montesono, in scripto nomine Universitatis Parisiensis Clementi VII, Papae Avenionensi, oblato. Hunc textum nullus editor ausus est corrumpere et interpolare, sed quia adversariis Immaculatae Conceptionis opponi poterat, Cosmas Morellus illum e sua editione Antverpiensi expunxit, et hanc suppressionem Catharinus et Theophilus Raynaudus notarunt et graviter improbarunt. Ille ergo locus ut indubie authenticus habetur.*

8 There is another notable place in Opusculum LX, De dilectione Christi et proximi. At the end of this treatise the holy Doctor explains, according to St. Bernard, the ten degrees of the love of God. In the ninth degree he places the Seraphim, who hold the summit of the celestial hierarchy. « These, he says, namely sweetly burning, in this ninth degree are Seraphim, touching in the nearest degree of kinship, of whom Dionysius says: » Seraphim is hot, fervid and superfervid. This is a great vision, ardor without penalty, sweet, not heavy; so that Moses wondered that the bush burned and was not consumed. » Since there is a tenth degree, in it must be placed some creature superior to Seraphim, that is, superior to any other creature whatever, and this is the most blessed Deipara. Whence he

says: « The degree therefore tenth in which love makes [one] assimilated totally beyond the Seraphim, is that whereby he is excellently assimilated, seeing that to them agrees in the highest the definition of angel which Dionysius posits: » Angel is the image of God, manifestation of hidden light, bright mirror, brightest, immaculate, unstained, uncontaminated, receiving into itself, whole, if it is fitting to say, the beauty of omniform deiformity, making resplendently shine in itself purely the goodness of silence. » The highest artisan therefore made, unto fuller display of his art, one mirror brighter than the brightest, cleaner and purer than Seraphim, and of such purity that it could not be understood purer unless God were — namely the person of the most glorious Virgin. Of whom Anselm: » It befitted that the conception of that Man be made of a Mother most pure, with that purity whereby greater under God cannot be understood. » How more clearly could it be affirmed that the Mother of God was wholly immune from original sin? « Angel is a mirror bright, brightest, immaculate, unstained, uncontaminated. » But blessed Virgin is « a mirror brighter than the brightest, » surpassing Seraphim in her sanctity, « so pure that a purer cannot be understood, unless God; » which certainly it would not be licit to affirm, if she had been contaminated in her origin by the common stain for one instant only. *Therefore*. — No edition is cited wherein the above text has been corrupted. It must be admitted therefore by all as authentic.

> *Est alius locus insignis in Opusculo LX, De dilectione Christi et proximi. In fine hujus tractatus, explicat S. Doctor, secundum S. Bernardum, decem gradus amoris Dei. In nono gradu ponit Seraphim, qui culmen hierarchiae coelestis tenent. « Hi, inquit, scilicet suaviter ardentes, in hoc nono gradu sunt Seraphim, in proximo cognationis gradu attinentes, de quibus dicit Dionysius : » Seraphim est calidum, fervidum et superfervidum. Haec est visio magna, ardor sine poena, suavis, non gravis; ita ut Moyses miraretur quod rubus arderet et non combureretur. » Cum sit decimus gradus, in eo ponenda est aliqua creatura Seraphim, id est cuilibet alteri creatura superior, et haec est beatissima Deipara. Unde ait : « Gradus ergo decimus in quo amor facit assimilari totaliter ultra Seraphim, est qui tam similatur excellenter, utpote quibus in summo convenit angeli diffinitio quam ponit Dionysius : » Angelus est imago Dei, manifestatio occulti luminis, speculum clarum, clarissimum, immaculatum, incoinquinatum, incontaminatum, totam, si conveniens est dicere, suscipiens in se pulchritudinem omniformis deiformitatis, munde resplendere faciens in se bonitatem silentii. » Fecit ergo summus artifex, in ostentationem pleniorem artis suae, speculum unum clarissimo clarius, Seraphim tersius et purius, et tantae puritatis, ut purius intelligi non posset, nisi Deus esset, personam scilicet gloriosissimae Virginis. De quo Anselmus : » Decebat ut illius conceptio Hominis de Matre purissima fieret, ea puritate qua major sub Deo nequit intelligi. » Quomodo clarius affirmari posset Matrem Dei fuisse prorsus immunem ab originali peccato ? « Angelus est speculum clarum, clarissimum, immaculatum, incoinquinatum, incontaminatum. » Atqui beata Virgo est « speculum clarissimo clarius, » sanctitate sua Seraphim superans, « ita pura ut purior intelligi non possit, nisi Deus ; » quod certe affirmare non liceret, si labe communi in origine sua uno tantum instanti contaminata fuisset. Ergo. — Non citatur aliqua editio ubi textus supradictus fuerit corruptus. Admittendus est ergo ab omnibus ut authenticus.*

[9] There are in the modern editions of the works of St. Thomas other texts contrary to the aforesaid. Those who alleged them to undermine the doctrine which now is to be held as revealed and of faith said the Angelic Doctor either contradicted himself or deserted his former opinion, which he had finally acknowledged not sufficiently founded. Wonderful indeed it would be that so great a Doctor fell unwittingly into so evident a contradiction. Although however it would not have been indecorous in him to have left his pristine opinion on account of valid reasons which he had not at first perceived, this explanation collapsed, if it be proved that the places invoked against the doctrine of the Immaculate Conception were deliberately adulterated, so that the vote of St. Thomas might be taken away from the purest origin of Mary. Moreover this will become manifest from the following.

Sunt in editionibus modernis operum S. Thomae alii textus praedictis contrarii. Qui eos allegabant ad convellendum doctrinam quae nunc tamquam revelata et de fide tenenda est, dicebant Angelicum vel sibi contradixisse, vel deseruisse priorem suam sententiam, quam non satis esse fundatam tandem agnoverat. Mirum quidem esset tantum Doctorem in contradictionem tam evidentem inscium incidisse. Quamvis autem illi indecorum non fuisset opinionem pristinam reliquisse propter rationes validas quas primum non percepisset, haec explicatio corruit, si probetur loca quae contra doctrinam Immaculatae Conceptionis invocantur consulto adulterata fuisse, ut S. Thomae calculus purissima origini Mariae detraheretur. Porro id ex sequentibus manifestum fiet.

10 1° There was read in Opusculum VIII, Expositio super salutatione angelica: « Mary was most pure as regards every guilt, because neither original, nor mortal, nor venial sin did she ever incur. » This text is cited by Salmeron, In Epist. ad Rom., disp. 5, and by Canisius. It was in a manuscript of the Praemonstratensian monastery and in another inscribed in the royal library of Paris under number 690. The aforesaid words are found in five manuscripts existing today at Paris: first, in the library of saint Genevieve, n° 676; second, in the national library, n° 233, formerly in the library of the abbey of saint Victor; third and fourth in the same library, n° 426 and 66; fifth in the library called de l'Arsenal, n° 581. The three prior ones belong to the XII century, and St. Thomas died in the year 1274. They must be held therefore as authentic and worthy of all faith, as is demonstrated by Echard in Scriptor. ord. PP. Praedicator., tom. I, p. 334 and 340, and by P. de Rubeis, De gestis et scriptis ac doctrina S. Thomae, Venet., 1750, p. 82.

1° Legebatur in Opusculo VIII, Expositio super salutatione angelica : « Maria purissima fuit quantum ad omnem culpam, quia nec originale, nec mortale, nec veniale peccatum aliquando incurrit. » Hic textus citatur a Salmerone, In Epist. ad Rom., disp. 5, et a Canisio. Erat in manuscripto monasterii Praemonstratensis et in alio qui in bibliotheca regia Parisiensi inscriptum, erat sub numero 690. Praedicta verba reperiuntur in quinque manuscriptis quae exstant hodie Parisiis : primum, in bibliotheca sanctae Genovefae, n° 676 ; secundum, in bibliotheca nationali, n° 233, olim in bibliotheca abbatiae sancti Victoris; tertium et quartum in eadem bibliotheca, n° 426 et 66 ; quintum in bibliotheca dicta de l'Arsenal, n° 581. Tria priora ad XII saeculum pertinent, et S. Thomas anno 1274 vita functus est. Habenda sunt ergo ut authentica et omni fide digna, ut demonstratur ab Echardo in Scriptor. ord. PP. Praedicator., tom. I, p. 334 et 340, et a P. de Rubeis, De gestis et scriptis ac doctrina S. Thomae, Venet., 1750, p. 82.

11 In the Parisian, Antwerp, Cologne editions, even the Venetian of the year 1776 and the Roman published at the command of S. Pius V, the word original is wanting in the aforesaid place, and also a little before it is affirmed that blessed Virgin was conceived in original sin. For what end, and how rashly, this writing of our Doctor was truncated and interpolated will be perspicuous if the present text, which we transcribe, leaving out parts not necessary, be subjected to serious examination.

In editionibus Parisiensi, Antverpiensi, Coloniensi, etiam Veneta anni 1776 et Romana jussu S. Pii V publicata, vox originale deest in loco supradicto, et etiam paulo ante affirmatur, beatam Virginem in peccato originali conceptam fuisse. Quo fine et quam temerarie hoc scriptum Doctoris nostri fuerit truncatum et interpolatum perspicietur, si serio examini subjiciatur textus hodiernus, quem transcribimus, relictis partibus non necessariis.

12 « [The Angel] saluted blessed Virgin, reverently saying: Ave. But that anciently the angel revered not man, but man the angel, the reason is because the angel was greater than man, and this as regards three things: First, as regards dignity. The reason is: for the angel is of spiritual nature... Secondly, as regards familiarity with God... Thirdly he excelled on account of the fullness of the splendor of divine grace; for angels participate the very divine light in the highest fullness... Therefore it was not becoming that he exhibit reverence to man until someone were found in human

nature who in these three things exceeded the angels. And this was blessed Virgin. And therefore, to designate that in these three things she exceeded him, the angel willed to exhibit reverence to her. Whence he said: Ave. Whence blessed Virgin exceeded the angels in these three things. And first in fullness of grace, which is more in blessed Virgin than in any angel. And therefore, to intimate this, the angel exhibited reverence to her, saying: Full of grace, as though he would say: « Therefore I exhibit reverence to thee, because thou excellest me » in fullness of grace. » Blessed Virgin is moreover said to be full of grace, as regards three things. First, as regards the soul, in which she had every fullness of grace. For the grace of God is given unto two things, namely unto working good, and unto avoiding evil, and as regards those two blessed Virgin had the most perfect grace. For she avoided every sin more than any saint after Christ. For sin either is original, *and from this she was cleansed in the womb*; or mortal, or venial, and from these she was free. Whence *Cantic.*, IV, 7: Thou art all fair, my love, and there is not a spot in thee. Augustine, in the book de Natura et Gratia: « Except the holy Virgin Mary, if all saints and » saintly women, while they lived here, had been asked whether they were without » sin, all would have cried out with one voice: If we say that we have no sin, we deceive ourselves, and the truth is not in us: excepted, I say, this holy Virgin, concerning whom, on account of the honor of the Lord, I will to have no question whatever when sin is treated of.» For we know that more grace was conferred on her unto conquering sin on every side, who merited to conceive and bring forth him whom all agree had no sin. *But Christ excels blessed Virgin in this that he was conceived and born without original sin, but blessed Virgin was conceived in original sin, yet not born so*... Thirdly she exceeds the angels as regards purity, because blessed Virgin was not only pure in herself, but procured purity for others. She indeed was most pure, both as regards guilt, because the Virgin herself incurred neither

> *« Salutavit [Angelus] beatam Virginem, reverenter dicens : Ave. Quod autem antiquitus non reverebatur hominem angelus, sed homo angelum, ratio est quia angelus erat major homine, et hoc quantum ad tria : Primo, quantum ad dignitatem. Ratio est : nam angelus est naturae spiritualis... Secundo, quantum ad familiaritatem ad Deum... Tertio praeeminebat propter plenitudinem splendoris gratiae divinae ; angeli enim participant ipsum lumen divinum in summa plenitudine... Non ergo decens erat ut homini reverentiam exhiberet, quousque aliquis inveniretur in humana natura qui in his tribus excederet angelos. Et haec fuit beata Virgo. Et ideo, ad designandum quod in his tribus excedebat eum, voluit ei angelus reverentiam exhibere. Unde dixit : Ave. Unde beata Virgo excessit angelos in his tribus. Et primo in plenitudine gratiae, quae magis est in beata Virgine quam in aliquo angelo. Et ideo, ad insinuandum hoc, angelus ei reverentiam exhibuit, dicens : Grata plena, quasi diceret : « Ideo exhibeo tibi reverentiam, quia me excellis » in plenitudine gratiae. » Dicitur autem beata Virgo plena gratia, quantum ad tria. Primo, quantum ad animam, in qua habuit omnem plenitudinem gratiae. Nam gratia Dei datur ad duo, scilicet ad bonum operandum, et ad vitandum malum, et quantum ad ista duo perfectissimam gratiam habuit beata Virgo. Nam ipsa omne peccatum vitavit magis quam aliquis sanctus post Christum. Peccatum enim aut est originale,* et de isto fuit mundata in utero*; aut mortale, aut veniale, et de istis libera fuit. Unde* Cantic.*, IV, 7 :* Tota pulchra es, amica mea, et macula non est in te. *Augustinus, in libro de Natura et Gratia : « Excepta sancta Virgine Maria, si omnes sancti et » sanctae, cum hic viverent, interrogati fuissent utrum sine » peccato essent, omnes una voce clamassent : Si dixerimus quia peccatum non habemus, ipsi nos seducimus, et veritas in nobis non est : excepta, inquam, haec sancta Virgine, de qua, propter honorem Domini, cum de peccato agitur, nullam prorsus volo quaestionem habere.» Scimus enim quod ei plus gratiae collatum fuerit ad peccatum omni ex parte vincendum, quae illum concipere et parere meruit quem constat nullum habuisse peccatum.* Sed Christus excellit beatam Virginem in hoc quod sine originali conceptus et natus est, beata autem Virgo in originali est concepta, sed non nata... *Tertio excedit angelos quantum ad puritatem, quia beata Virgo non solum*

pura erat in se, sed etiam procuravit puritatem aliis. Ipsa enim purissima fuit, et quantum ad culpam, quia ipsa Virgo nec

13 *mortal nor venial sin.* Likewise as regards punishment... »

mortale nec veniale peccatum incurrit. *Item quantum ad poenam... »*

14 Who would admit that St. Thomas could have so openly contradicted himself in the same article? 1° He affirms blessed Virgin to excel the angel in fullness of grace. But the fullness of grace in an angel consists in this, that he was immune from every sin, of whatever nature and name. *Therefore*, if blessed Virgin exceed the angel on this side, she herself is immune from any sin whatever, not only actual but also original. If, on the contrary, she contracted original sin, and « from this was cleansed in the womb, » that is after animation, since sin in no way touched and infected the angel, therefore in this she is excelled by the angel. Whence it must be concluded that this clause, « and from this she was cleansed in the womb, » was added by the hand of some falsifier. — 2° It does not appear why St. Thomas would have introduced Christ himself into the comparison of blessed Virgin with the angel: for it was instituted between the saluting and the saluted, to show forth the pre-eminence of Mary and to explain the veneration exhibited to her by the celestial messenger. But since immediately before it was said « more grace was conferred on her unto conquering sin on every side, who merited to conceive and bring forth him whom all agree had no sin, » there is sufficiently intimated by that very fact that she also had no sin, because she conquered sin on every side, so as to merit to be Deipara. This contradiction therefore, which cannot be attributed to the Angelic Doctor without injury, abundantly proves that he did not write the aforesaid words. — 3° As we saw above already, in the older exemplars which were written perhaps while St. Thomas still lived, or at least before the end of the century wherein he flourished, it is read that blessed Virgin « neither original, nor mortal, nor venial sin did ever incur. » If therefore the word original is wanting in the later published editions which came to light only after the followers of John of Montesono denied the sanctity of the Conception of Mary, such suppression necessarily followed upon the preceding interpolations. — 4° It is altogether incredible that St. Thomas, after he had invoked the authority of Augustine saying: « Concerning the holy Virgin, on account of the honor of the Lord, when sin is treated of, I will to have no question whatever, » immediately, unconscious of contradiction, affirmed that the Mother of God, the honor of her future Son untouched, was conceived in original sin. Who would dare inflict so great an injury on so great a Doctor? *Therefore* the aforesaid place was deliberately and audaciously corrupted, lest the suffrage of the Angelic Doctor could be invoked in favor of the most perfect purity of blessed Virgin.

Quis admittat S. Thomam tam patenter in eodem articulo sibi contradicere potuisse? 1° Affirmat beatam Virginem angelum excellere in plenitudine gratiae. Atqui plenitudo gratiae in angelo in eo consistit, quod ab omni peccato, cujuscvis natura et nominis, immunis fuerit. Ergo, si beata Virgo ex hac parte angelum excedat, est ipsa immunis a quolibet peccato, non tantum actuali, sed etiam originali. Si, e contra, originale peccatum contraxerit, et « de isto fuerit mundata in utero, » id est post animationem, cum angelum nullo modo peccatum attigerit et infecerit, ergo in hoc ab angelo exceditur. Unde concludendum est, hoc comma, « et de isto fuit mundata in utero, » fuisse manu alicujus falsarii additum. — 2° Non videtur cur S. Thomas introduxisset Christum ipsum in comparationem beatae Virginis ad angelum : nam instituta fuit inter salutantem et salutatam, ad ostendendam praecellentiam Mariae et explicandam venerationem ei a coelesti nuntio exhibitam. Cum vero immediate ante dictum fuit « plus gratiae collatum ei fuisse ad peccatum ex omni parte vincendum, quae illum concipere et parere meruit quem constat nullum habuisse peccatum, » satis innuitur co

ipso illam etiam nullum peccatum habuisse, quia omni ex parte peccatum vicit, ut mereretur Deipara fuisse. Haec ergo contradictio, quae Angelico sine injuria attribui non potest, abundanter probat quod ipse verba praedicta non scripsit. — 3° Ut supra jam vidimus, in antiquioribus exemplaribus quae fuerunt exarata forsan S. Thoma adhuc vivente, vel saltem ante finem saeculi quo florebat, legitur beatam Virginem « nec originale, nec mortale, nec veniale peccatum aliquando incurrisse. » Si ergo vox originale desit in editis posterioribus, qua in lucem non prodierunt nisi postquam sequaces Joannis de Montesono sanctitatem Conceptionis Mariae negarunt, talis suppressio ex interpolationibus praecedentibus necessario secuta est. — 4º Omnino incredibile est, S. Thomam, postquam invocavit authoritatem Augustini dicentis : « De sancta Virgine, propter honorem Domini, cum de peccato agitur, nullam prorsus volo quaestionem habere, » statim contradictionis non conscium affirmasse Matrem Dei, illaeso honore Filii sui futuri, in originali peccato fuisse conceptam. Quis tanto Doctori tantam injuriam inferre audeat? Ergo supradictus locus fuit consulto et audacter corruptus, ne suffragium Angelici invocari posset in gratiam perfectissimae puritatis beatae Virginis.

15 2° In his commentary upon the Epist. ad Rom., chapter 5, lect. 3, St. Thomas demonstrates, from the Apostle, that human nature was vitiated in Adam, and that original sin flowed forth from him unto all his posterity. In the recent editions of this work, blessed Virgin is neither comprehended in the common law nor exempted from it. Under the pontificate of Urban VIII, a Spanish priest exploring the Roman libraries, by chance found in the library of cardinal Sforza an old exemplar which contained, in the aforesaid lecture, after the words of the Apostle: In whom all have sinned, these following: « One excepted, most blessed Virgin, who contracted no stain of original sin. » Moved with supreme joy, Urban VIII did not doubt to declare that these words, which are not read in the later editions, seemed to him to express the true opinion of the Angelic Doctor.

2º In commentario suo Epist. ad Rom., cap. 5, lect. 3, S. Thomas demonstrat, ex Apostolo, naturam humanam in Adam fuisse vitiatam, et peccatum originale ab eo in omnes posteros ejus promanasse. In editionibus recentioribus hujus operis, beata Virgo nec in lege communi comprehenditur, nec ab ea eximitur. Sub pontificatu Urbani VIII, sacerdos hispanus romanas bibliothecas explorans, fortuito reperit in bibliotheca cardinalis Sforza vetus exemplar, quod continebat, in praefata lectione, post verba Apostoli : In quo omnes peccaverunt, *haec sequentia : « Una excepta beatissima Virgine, quae nullam contraxit maculam originalis peccati. » Summo gaudio affectus, Urbanus VIII non dubitavit declarare quod haec verba, quae in editionibus posterioribus non leguntur, veram sententiam Angelici Doctoris sibi videbantur exprimere.*

16 3° Four editions of the Commentary on the Epist. ad Galatas were published at Paris in the years 1525, 1529, 1532 and 1541. The same work was printed afterward at Venice in the year 1555. In these five editions is had that notable place, chapter 3, lect. 6: « He himself [Christ] alone and singular is who does not lie under the malediction of guilt, although he deigned to become a malediction for us. Whence it is said in *Psal.* CIX: Singulariter sum ego, etc. Likewise: There is not one that doth good, etc. *Eccles.*, VII: One man among a thousand I found*, namely Christ, who was without sin; but a woman among all I did not find who would be wholly immune from sin, at least original or venial. Excepted is the purest Virgin Mary, worthy of all praise, who was immune from sin, original and venial. » In the year 1546, F. Jacobus Albertus Castrensis committed a new edition to the press, and deleted the latter words: Excepted, etc. Why he judged this part of the text to be emended does not appear, unless because he himself was an adversary of the immunity of the Immaculate Virgin. He notes indeed that he purged this commentary of typographical faults; but can not an entire proposition of this kind be held as a fault of this genus, which preceding editors had admitted without hesitation as authentic, although they had emended the work themselves «

according to the older and most approved codices? » Following Castrensis was Remigius Florentinus in his Antwerp edition of the year 1590, and thus truncated the text has come down to us [1]. To which must faith be given: to the later editors, or to the earlier ones and to manuscripts? There is no place for doubting.

[1] The words: Excepted, etc. in the Leodian edition of the year 1837, as in other recent ones, are wanting. There however below the page is read: « In certain codices printed at Venice there is appended a note thus: Excepted is the purest Virgin Mary, worthy of all praise. » — The editors, suspecting a mutilation, and not daring to restore this exception into the text, set out at least this part of it outside, lest it perish.

3° Quatuor editiones Commentarii in Epist. ad Galatas fuerunt publicatae Parisiis, annis 1525, 1529, 1532 et 1541. Idem opus Venetiis postea fuit impressum anno 1555. In his quinque editionibus habetur locus ille insignis, cap. 3, lect. 6 : «Ipse [Christus] solus et singularis est qui non subjacet maledicto culpae, etsi maledictio pro nobis dignatus est fieri. Unde dicitur in Psal. *CIX : Singulariter sum ego, etc. Item : Non est qui faciat bonum, etc.* Eccles.*, VII : Virum de mille unum reperi*, scilicet Christum, qui esset sine peccato, mulierem autem ex omnibus non inveni quae omnino a peccato immunis esset, ad minus originali vel veniali. Excipitur purissima et omni laude dignissima Virgo Maria, quae a peccato immunis fuit, originali et veniali. » Anno 1546, F. Jacobus Albertus Castrensis novam editionem praelo mandavit, et posteriora verba : Excipitur etc. delevit. Cur hanc partem textus emendandam esse judicaverit, non videtur, nisi quia ipse adversarius erat immunitatis Immaculatae Virginis. Monet quidem se hoc commentarium mendis typographicis purgasse; sed nonne ut menda hujus generis haberi potest propositio integra, quam praecedentes editores incunctanter ut authenticam admiserant, etsi opus emendassent ipsi «ad antiquiores et probatissimos codices?» Castrensem secutus est Remigius Florentinus in sua editione Antverpiensi anni 1590, et textus sic truncatus ad nos pervenit [1]. Quibus fides est adhibenda : posterioribusne editoribus, an prioribus et codicibus manuscriptis? Non est dubitandi locus.*

[1] *Verba : Excipitur, etc. in editione Leodiensi anni 1837, sicut in aliis recentioribus, desiderantur. Ibi tamen infra paginam legitur : « In quibusdam Venetiis impressis codicibus apposita est nota sic : Excipitur purissima et omni laude dignissima Virgo Maria. » — Editores mutilationem suspicati et hanc exceptionem in textum redintegrare non ausi, hujus saltem partem extra posuerunt, ne periret.*

17 4° The following question St. Thomas poses, 1a 2ae, q. 81, a. 3: « Whether the sin of the first parent passes by origin into all men? » He responds: « According to Catholic faith it must be firmly held that all men, except Christ alone, derived from Adam, contract original sin from Adam: otherwise all would not need redemption which is through Christ; which is erroneous. » The adversaries said: The holy Doctor pronounces Christ alone to have been immune from original sin, and all who are derived from Adam to contract it. But blessed Virgin was derived from Adam. *Therefore* she contracted original sin. And therefore the Angelic Doctor exempts her not from the common law; which certainly he would have done if he had thought her preserved from such stain.

4° Quaestionem sequentem ponit S. Thomas, 1a 2ae, q. 81, a. 3 : « Utrum peccatum primi parentis transeat per originem in omnes homines?» Respondet : « Secundum fidem catholicam, firmiter est tenendum quod omnes homines, praeter solum Christum, ex Adam derivati, peccatum originale ex Adam contrahunt : alioquin non omnes indigerent redemptione quae est per Christum; quod est erroneum. » Adversarii dixerunt : S. Doctor pronuntiat Christum solum immunem fuisse a peccato originali, et omnes qui ex Adam sunt derivati illud contrahere. Atqui beata Virgo ex Adam fuit derivata. Ergo peccatum originale contraxit. Et ideo Angelicus eam a lege communi non excipit; quod fecisset certe, si sensisset eam a tali labe fuisse praeservatam.

18 *We respond*. St. Thomas here states the common law, and excepts Christ alone, because Christ alone is exempted wholly and under every respect from this law, both because he is God at once and man, and because he is universal Redeemer; and if he had been infected with original sin in his human nature, he himself ought to have been redeemed by some other savior. But blessed Maria indeed was

not exempted wholly and under every respect from original sin; for, as was said in the preceding article, since she was seminally propagated from Adam, she had the debt of contracting original sin, but on account of her future and most eminent dignity, « by singular grace and privilege of omnipotent God, in view of the merits of Jesus Christ Savior of human race, she was preserved immune from every stain of original guilt [1] », Whence she had indeed the debt of contracting original sin, but anticipated by Christ and before all others she was so redeemed from this sin that she contracted it not. She could not therefore be placed in the place cited outside the number of those who needed the redemption which is through Christ. Nothing therefore can be concluded from this omission — otherwise necessary — against her perfect sanctity. — Thus the council of Trent, sess. V, canons 2 et 3, decrees all sons of Adam to be stained by his sin, and declares afterward, « that it is not its intention to comprehend in this decree blessed and immaculate Virgin Mary Mother of God. » If St. Thomas makes no similar exception here, he expressed it in the texts related above drawn from other works of his.

[1] Constit. Ineffabilis Deus.

> Respondemus. *Legem communem S. Thomas hic statuit, et solum Christum excipit, quia Christus solus hac lege omnino et sub omni respectu eximitur, tum quia est Deus simul et homo, tum quia est Redemptor universalis, et si peccato originali in natura sua humana fuisset infectus, debuisset ipse aliquo ab alio salvatore redimi. Beata Maria vero non fuit omnino et sub omni respectu a peccato originali exempta; nam, ut dictum est in artic. praec., quia ab Adam fuit seminaliter propagata, habuit debitum contrahendi originale peccatum, sed propter futuram et eminentissimam suam dignitatem, « singulari omnipotentis Dei gratia et privilegio, intuitu meritorum Christi Jesu Salvatoris humani generis, ab omni originalis culpae labe fuit praeservata immunis [1] », Unde habuit quidem debitum contrahendi peccatum originale, sed a Christo anticipata et ante omnes ab hoc peccato fuit ita redempta, ut illud non contraheret. Non poterat ergo in loco citato poni extra numerum eorum qui indigebant redemptione quae est per Christum. Nihil ergo concludi potest ex hac praetermissione, alioqui necessaria, contra ejus perfectam sanctitatem. — Ita Concilium Trident., sess. V, can. 2 et 3, decernit omnes filios Adam ejus peccato inquinari, et declarat postea, «non esse suae intentionis comprehendere in hoc decreto beatam et immaculatam Virginem Mariam Dei Genitricem.» Si S. Thomas hic similem exceptionem non facit, hanc expressit in textibus supra relatis et ex aliis ejus operibus depromptis.*
>
> [1] *Constit. Ineffabilis Deus.*

19 In 3ª parte Summa, q. 27, a. 2, the immunity of blessed Virgin from original sin is expressly denied. The value of this article must be weighed therefore, that it may be seen whether the contradiction which it exhibits can be imputed without injury to the Angelic Doctor himself from authentic texts.

> *In 3ª parte Summa, q. 27, a. 2, immunitas beatae Virginis a peccato originali expresse negatur. Expendendus est ergo valor hujus articuli, ut videatur an contradictio quam exhibet eum textibus authenticis ipsi Doctori Angelico imputari possit.*

20 The question to be solved is thus posed: « Whether blessed Virgin was sanctified before animation? » According to the opinion then prevailing, it is supposed that animation was not made except after conception and first constitution of the body [2]. Rightly it is responded in the body of the article that, « since only rational creature is susceptible of guilt, before the infusion of the rational soul the conceived offspring is not liable to guilt. » Whence blessed Virgin could not be sanctified in the body alone. It is added: « And if blessed Virgin had been sanctified in any manner before

animation, she would never have incurred the stain of original guilt, and thus she would not have needed the redemption and salvation which is through Christ. »

[2] We demonstrated above that this opinion cannot be sustained, and that animation takes place in the very conception. Treatise on God the Creator, dissertation IV, art. 5.

Quaestio solvenda ita ponitur : « Utrum beata Virgo fuerit sanctificata ante animationem? » Secundum opinionem eo tempore vigentem, supponitur animationem non factam fuisse nisi post conceptionem et primam corporis constitutionem [2]. Recte respondetur in corpore articuli quod, « cum sola creatura rationalis sit susceptiva culpae, ante infusionem animae rationalis proles concepta non est culpae obnoxia. » Unde sanctificari non potuit beata Virgo in solo corpore. Additur : « Et si quocumque modo ante animationem beata Virgo sanctificata fuisset, nunquam incurrisset maculam originalis culpae, et ita non indiguisset redemptione et salute qua est per Christum. »

[2] Demonstravimus supra hanc opinionem sustineri non posse, et animationem fieri in ipsa conceptione. Tract. de Deo creatore, dissert. IV, art. 5.

21 The former consequence is to be admitted, on the hypothesis; for, if the stains of original [sin] had been first removed wholly from the body, how could it afterward infect the soul, so that what proceeded from Adam would have been pure, and what came from God through creation would have been stained, and thus after animation the same creature would be at once holy in body and stained in soul? But the latter consequence is evidently altogether unworthy of the Angelic Doctor. For it cannot rationally be affirmed that, if blessed Virgin « had not incurred the stain of original guilt, she would not have needed the redemption and salvation which is through Christ. » For we said, and demonstrated from the dogmatic definition, that the Deipara had, by reason of her origin from Adam, the debt of contracting original sin, but was preserved from contracting it « in view of the merits of Jesus Christ Savior of human race. » *Therefore* this very privilege proves « that she needed the redemption and salvation which is through Christ. » Who will dare attribute such inconsequence to our own Doctor?

Prior consequentia est admittenda, in hypothesi; nam, si labes originalis a corpore primum fuisset penitus amota, quomodo deinde animam inficere potuisset, ita ut quod procedebat ab Adam fuisset purum, et quod a Deo per creationem venit fuisset inquinatum, et sic post animationem eadem creatura esset simul sancta in corpore et maculata in anima ? Sed consequentia posterior est evidenter Angelico prorsus indigna. Non potest enim rationabiliter affirmari quod, si beata Virgo « non incurrisset maculam originalis culpae, non indiguisset redemptione et salute quae est per Christum. » Diximus enim, et ex definitione dogmatica ostendimus, Deiparam habuisse, ratione suae originis ex Adam, debitum contrahendi peccatum originale, sed ab eo contrahendo fuisse praeservatam « intuitu meritorum Christi Jesu Salvatoris humani generis. » Ergo hoc ipsum privilegium probat « eam indiguisse redemptione et salute quae est per Christum. » Quis audebit talem inconsequentiam ipsi nostro Doctori attribuere ?

22 No less is theological reason injured in the responses to the objections. We shall weigh in the balance only the second and third.

Non minus laeditur ratio theologica in responsionibus ad objecta. Secundam et tertiam tantum trutina librabimus.

23 **Obj. 1.** « It was fitting, as Anselm says in lib. de Conceptu virginali, c. 18, » that that Virgin shine with that purity whereby greater under God cannot be understood. Whence also Cantic., VI, it is said: Thou art all fair, my love, and there is not a spot in thee. But greater would have been the purity of blessed Virgin if she had never been stained by contagion of original sin. *Therefore* this was preordained to her, that before she was animated, her flesh would be sanctified. »

Obj. 1. *« Conveniens fuit, sicut Anselmus dicit in lib. de Conceptu virginali, c. 18, » ut illa Virgo ea puritate niteretur, qua major sub Deo nequit intelligi. Unde et Cantic., VI, dicitur :* Tota pulchra es, amica mea, et macula non est in te. *Sed major puritas fuisset beatae Virginis, si nunquam fuisset inquinata contagio originalis peccati. Ergo hoc ei praestitutum fuit, ut antequam animaretur, caro ejus sanctificaretur. »*

24 *I answer.* « If the soul of blessed Virgin had never been stained by contagion of original sin, this would detract from the dignity of Christ, according to which he is universal Savior of all.

Resp. *« Si nunquam anima beatae Virginis fuisset contagio originalis peccati inquinata, hoc derogaret dignitati Christi, secundum quam est universalis omnium Salvator.*

25 And therefore beneath Christ, who disdains not to be saved, as universal Savior, greatest was the purity of blessed Virgin. For Christ in no way contracted original sin, but in his very conception was holy, according to that Luc., I: That which shall be born of thee holy, shall be called Son of God. But blessed Virgin indeed contracted original sin, but was cleansed from it before she was born of the womb. And this is signified Job, XIV, where concerning the night of original sin it is said: Let it wait for light, that is, Christ, and see it not; because nothing stained does she incur, as is said Sap., VII, nor rising dawn, that is, of blessed Virgin, who in her rising was immune from original sin. »

Et ideo sub Christo, qui salvari non indignetur, tamquam universalis Salvator, maxima fuit beatae Virginis puritas. Nam Christus nullo modo contraxit originale peccatum, sed in ipsa sui conceptione fuit sanctus, secundum illud Luc., I : Quod ex te nascetur sanctum, vocabitur Filius Dei. *Sed beata Virgo contraxit quidem originale peccatum, sed ab eo fuit mundata antequam ex utero nasceretur. Et hoc signatur Job, XIV, ubi de nocte originalis peccati dicitur :* Expectet lucem*, id est Christum,* et non videat*; quia nihil inquinatum incurrit in illam, ut dicitur Sap., VII,* nec ortum surgentis aurora*, id est beatae Virginis, quae in suo ortu a peccato originali fuit immunis. »*

26 We have now seen how preservation from original stain, which was granted to blessed Virgin « by singular grace and privilege of omnipotent God, in view of the merits of Jesus Christ Savior of human race, » nowise detracts from the dignity of Christ, inasmuch as he is universal Savior, and rather proclaims and exalts this dignity, because even before the advent of this Savior the Virgin who was to be his Mother was saved by him. How the Angelic had not seen that the dignity of Christ, inasmuch as he is infinitely holy God, demanded that the woman elected from eternity to be his Mother be holy on every side; and that it was on the contrary altogether unbecoming to him, if his Mother for any least point of time lay subject to the domination of Satan, whose empire he himself was about to overthrow?

Jam vidimus quomodo praeservatio ab originali labe quae beatae Virgini fuit concessa « singulari omnipotentis Dei gratia et privilegio, intuitu meritorum Christi Jesu Salvatoris humani generis, » nullimode derogat dignitati Christi, in quantum est Salvator universalis, et potius hanc dignitatem proclamat et exaltat, quia etiam ante adventum hujus Salvatoris Virgo quae Mater ejus futura erat, ab eo salvata est. Quomodo Angelicus non vidisset dignitatem Christi, in quantum est Deus infinite sanctus, exegisse ut femina quae ei ab aeterno fuerat in Matrem electa esset omni ex parte sancta, et ei e contra prorsus indecorum fuisse, si Mater ejus minimo quovis temporis puncto subjacuisset dominationi Satanae, cujus imperium erat ipse eversurus ?

27 **Obj. 3°.** « No feast is celebrated except concerning some holy one. But certain ones celebrate the feast of the conception of blessed Virgin. *Therefore* it seems that in her very conception she was holy, and thus that before animation she was sanctified. »

Obj. 3°. *« Non celebratur festum nisi de aliquo sancto. Sed quidam celebrant festum conceptionis beatae Virginis. Ergo videtur quod in ipsa sua conceptione fuerit sancta, et ita quod ante animationem fuerit sanctificata. »*

28 *I answer.* « Although the Roman Church celebrates not the conception of blessed Virgin, it nevertheless tolerates the custom of certain churches celebrating that feast: whence such celebration is not to be totally reproved. Yet not through the fact that the feast of conception is celebrated is it given to be understood that she was holy in her conception; but, because the time when she was sanctified is unknown, the feast of her sanctification rather than of conception is celebrated, on the day of her very conception. »

Resp. *« Licet Romana Ecclesia conceptionem beatae Virginis non celebret, tolerat tamen consuetudinem aliquarum ecclesiarum illud festum celebrantium : unde talis celebritas non est totaliter reprobanda. Nec tamen per hoc quod festum conceptionis celebratur, datur intelligi quod in sua conceptione fuerit sancta; sed, quia quo tempore sanctificata fuerit ignoratur, celebratur festum sanctificationis ejus, potius quam conceptionis, in die conceptionis ipsius. »*

29 The author of this response confesses that the Roman Church tolerates the celebration of the feast of the conception of blessed Virgin. Whence he concludes that such celebration is not to be totally reproved. Is it reproved in part, or under some respect, that which the Roman Church tolerates, that is, which she judges in no way to be reproved? For sometimes, when disciplinary matters are treated of, the Roman Church tolerates what she approves not on every side; but no sane man will admit that she tolerates uses and customs which imply doctrine she judges not fully consonant with truth.

Author hujus responsionis fatetur Ecclesiam Romanam tolerare celebrationem festi conceptionis beatae Virginis. Unde concludit, talem celebrationem non esse totaliter reprobandam. Num partim, seu sub aliquo respectu est reprobandum quod Ecclesia Romana tolerat, id est quod nullo modo reprobandum judicat ? Aliquando enim, cum de rebus disciplinaribus agitur, Ecclesia Romana tolerat quod non omni ex parte approbat; sed nemo sanus admittet eam tolerare usus et consuetudines quae implícant doctrinam quam veritati non plene consonam judicat.

30 The explanation brought forward here, namely, « because the time when blessed Virgin was sanctified is unknown, the feast of her sanctification rather than of conception is celebrated on the day of her very conception, » cannot be sustained. For if it be so, why was this feast instituted under the title of conception and not rather of sanctification? *Therefore* the very conception is the object of public cult. The reason alleged was already refuted in the same question, a. 1, arg. *Sed contra.* Concerning the Nativity of the Deipara it is said there: « The Church celebrates the nativity of blessed Virgin. But no feast is celebrated in the Church except concerning some holy one. *Therefore* blessed Virgin in her very nativity was holy. She was therefore sanctified in the womb. » The latter conclusion left aside, which, on account of the limitation appended, is not legitimately deduced from the preceding, the argument is rightly transferred unto the Conception of blessed Virgin, only the name changed, and it subverts the whole second article.

Explicatio qua hic affertur, scilicet, « quia quo tempore sanctificata fuerit beata Virgo ignoratur, celebratur festum sanctificationis ejus potius quam conceptionis in die conceptionis ipsius, » sustineri non potest. Si enim ita est, cur sub titulo conceptionis et non potius sanctificationis hoc festum fuit institutum ? Ergo conceptio ipsa est objectum cultus publici. Ratio allata jam fuit refutata in eadem quaest., a. 1, arg. Sed contra. *De nativitate Deiparae ibi dicitur : « Ecclesia celebrat nativitatem beatae Virginis. Non autem celebratur festum in Ecclesia, nisi pro aliquo sancto. Ergo beata Virgo in ipsa sua nativitate fuit sancta. Fuit ergo in utero sanctificata. » Relicta posteriori conclusione, quae, propter limitationem appositam ex praecedenti legitime non deducitur, argumentum ad Conceptionem beatae Virginis, mutato tantum nomine, recte transfertur, et totum articulum secundum subvertit.*

31 If St. Thomas himself had written such things, not only would he have deserted the doctrine he professed in the superior books, but he would openly have contradicted himself in the same place. We infer therefore this article either to be supposititious, or to have been corrupted and interpolated.

> *Si talia scripsisset ipse S. Thomas, non tantum doctrinam quam in superioribus libris professus est deseruisset, sed sibi in eodem loco aperte contradixisset. Inferimus ergo hunc articulum vel supposititium esse, vel corruptum et interpolatum fuisse.*

32 If you object that other exemplars, whether printed or manuscript, expressing the contrary doctrine will not be wanting, I respond, that the third part of the Summa does not merit in all things the same faith which is indubitably owed to the first and second. In the little book *Certum quid*, which now exists at Paris in the national library, it is asserted, pag. 201 bis, that St. Thomas undoubtedly did not himself complete the Summa theologica, but that the ninety prior questions of the third part were written by Albertus Brixiensis, one of his disciples, and that Henry Gorrich added the Supplement. It is read also in the process of canonization of the same Doctor, n° 79, in the Bollandist collection: « Brother Thomas laid the organs of writing toward the third part of the Summa. » Whence it must be concluded that, if the Angelic dictated this part to amanuenses, in the way he composed several of his works, as other critics will, at least he polished it not with his own hand, but handed over only the matter of the ninety prior questions. And yet, as the author of the cited book observed, after Martanellus and Perruzinus, adversaries of the Immaculate Conception who turned into argument supposititious or corrupted texts drawn from opuscula, they never objected to the defenders the second article of the third part, because it was known to all that this part is not entirely genuine throughout of the prince of theologians.

> *Si objicias, non deerunt alia exemplaria vel impressa vel manuscripta doctrinam contrariam exprimentia, respondeo, tertiam partem Summae non eamdem in omnibus mereri fidem quae primae et secundae indubie débetur. In libello* Certum quid*, qui nunc Parisiis in bibliotheca nationali exstat, asseritur, pag. 201 bis, S. Thomam indubie non ipsum absolvisse Summam theologicam, sed nonaginta priores quaestiones tertiae partis fuisse scriptas ab Alberto Brixiensi, uno ex ejus discipulis, et Henricum Gorrich Supplementum addidisse. Legitur etiam in processu canonizationis ejusdem Doctoris, n° 79, in collectione Bollandiana : « Frater Thomas organa scriptionis posuit ad tertiam partem Summae. » Unde concludendum est quod, si Angelicus hanc partem dictaverit amanuensibus, quo modo plura ex suis operibus composuit, ut volunt alii critici, propria manu saltem eam non expolivit, sed tradidit tantum materiam nonaginta priorum quaestionum. Et tamen, ut animadvertit author libelli citati, post Martanellum et Perruzinum, adversarios Immaculatae Conceptionis qui in argumentum verterunt textus supposititios vel corruptos ex opusculis depromptos, nunquam defensoribus objecerunt articulum secundum tertiae partis, quia omnibus notum erat hanc partem non esse totum omnino genuinum principis theologorum.*

33 There could therefore have been introduced into the present question a new article to honor with the name of St. Thomas the new doctrine, or the primitive text, like those others of which above, was interpolated unto that end.

> *Potuit ergo introduci in quaestione praesenti articulus novus ad novam doctrinam nomine S. Thomae cohonestandam, vel textus primitivus, ut alii de quibus supra, fuit eo fine interpolatus.*

34 Should anyone wonder that such force could have been inflicted on the Angelic Doctor, let him know it to be established that several did not hesitate even to conciliate to themselves by lies of this kind the authority of so great a Doctor, that their own senses might be commended and spread abroad more easily. Immediately when he departed from the living, these frauds ought to have been

repressed. In the year 1290, by Aegidius, his disciple, there was written *Castigatorium* against the corrupter of the books of Thomas Aquinas. After him Richard Klapoël, Herveus Natalis, Guillelmus Messelech, Joannes Parisiensis and Guillelmus a Bullione, all from the Order of Preachers, indignantly denounced the manifold interpolations and falsifications which they had detected in the works of their Master.

> *Si quis miretur vim talem inferri potuisse Angelico, sciat compertum esse plures authoritatem tanti Doctoris non dubitasse etiam hujusmodi mendaciis sibi conciliare, ad proprios sensus commendandos et tacilius spargendos. Statim cum e vivis exiisset, hae fraudes reprimi debuere. Anno 1290, ab Aegidio, ejus discipulo, scriptum fuit* Castigatorium *in corruptorem librorum Thomae Aquinatis. Post eum, Richardus Klapoël, Herveus Natalis, Guillelmus Messelech, Joannes Parisiensis et Guillelmus a Bullione, omnes ex ordine Praedicatorum, indignanter denuntiarunt multiplices interpolationes et falsificationes quas in operibus sui Magistri deprehenderant.*

35 Since therefore 1° St. Thomas in several places, about which no doubt is raised, clearly and expressly attributed to blessed Virgin Mary immunity from original sin itself;

> *Cum ergo 1° S. Thomas pluribus in locis, de quibus nullum dubium movetur, clare et expresse tribuerit beatae Virgini Mariae immunitatem ab ipso peccato originali;*

36 2° since the contradictions which are found in later writings cannot be imputed to him without injury;

> *2° cum contradictiones quae in posterioribus scriptis inveniuntur ipsi sine injuria imputari non possint;*

37 3° since it has been proved from collation of the older codices with the printed editions, many of which agree with the manuscripts, that those which seem to dissent in the present question were corrupted, truncated or interpolated: we conclude that, as we said in the proposition, it cannot be affirmed that the Angelic Doctor ever denied the great privilege of the Mother of God. Nay, proceeding further, from the critical arguments set out above, we hold him to be indubitably to be numbered among the chief assertors of this truth.]

> *3° cum probatum sit ex collatione antiquiorum codicum cum editionibus impressis, quarum plures cum manuscriptis concordant, eas quae dissentire videntur in praesenti quaestione fuisse corruptas, truncatas aut interpolatas : concludimus quod, ut diximus in propositione, non potest affirmari Doctorem Angelicum magnum Matris Dei privilegium unquam negavisse. Imo, ulterius progredientes, ex argumentis criticis supra expositis, censemus eum inter praecipuos hujus veritatis assertores indubie adnumerandum esse.]*

In what the essence of original sin consists?

1 The various antiquated opinions concerning the essence of original sin being set aside, **I say** 1°: Concupiscence is not the formal element of original sin, but only the material. This is against the Lutherans and Calvinists.

> *Omissis variis sententiis antiquatis circa essentiam peccati originalis,* ***Dico*** *1° : Concupiscentia non est formale peccati originalis, sed materiale tantum. Est contra Lutheranos et Calvinistas.*

2 By concupiscence is here understood proneness or propensity to evil, from the privation of original justice. By another name it is called *fomes peccati*.

> *Per concupiscentiam intelligitur hic pronitas seu propensio in malum, ex privatione justitiae originalis. Alio nomine dicitur fomes peccati.*

3 *It is proved* first part of the conclusion 1° from the Apostle, to the *Rom.*, VIII, 1: There is no condemnation in those who are in Christ. But concupiscence remains in those reborn in Christ. *Therefore.*

> Probatur *prima pars conclusionis 1° ex Apost. ad* Rom., *VIII, 1 :* Nihil damnationis est in iis qui sunt in Christo. *Atqui in renatis in Christo remanet concupiscentia. Ergo.*

4 *It is proved* 2°. The council of Trent, session V, canon 5, anathematizes him who « asserts that by baptism there is not taken away the whole that has the true and proper nature of sin. » But concupiscence is not taken away by baptism, as is known from experience, and as Trent declares ibid. *Therefore.* Further, if in those reborn concupiscence is not formally sin, neither is it in those not reborn, since it is the same in both.

> Probatur 2°. *Concil. Trid., sess. V, can. 5, anathematizat qui « asserit per baptismum non tolli totum id quod veram et propriam peccati rationem habet. » Atqui per baptismum non tollitur concupiscentia, ut experientia notum est, et declarat ibid. Trid. Ergo. Porro, si in renatis concupiscentia non sit formaliter peccatum, neque est in non renatis, cum sit eadem in utrisque.*

5 *It is proved* 3°. Concupiscence is not that which is first had and conceived in original sin, but something consequent upon the privation of original justice, as I shall say presently. Therefore it is not the formal constitutive element of original sin.

> Probatur 3°. *Concupiscentia non est id quod primum habetur et concipitur in peccato originali, sed quid consequens ad privationem justitiae originalis, ut dicam modo. Ergo non est formale constitutivum peccati originalis.*

6 *You will say*: The Apostle, to the *Rom.*, VII, 23 and 25, calls concupiscence sin. *Therefore.*

> Dices *: Apost. ad* Rom., *VII, 23 et 25, vocat concupiscentiam peccatum. Ergo.*

7 *I answer.* With the council of Trent, session V, canon 5, that the Apostle calls concupiscence sin, « not because truly and properly it is sin in the reborn, but because it comes from sin and inclines to sin. »

> Resp. *cum concilio Trid., sess. V, can. 5, Apostolum vocare concupiscentiam peccatum, « non quod vere et proprie in renatis sit peccatum, sed quia ex peccato est et ad peccatum inclinat. »*

8 But that concupiscence is material in original sin, which is the second part of the conclusion, St. Thomas expressly teaches here q. 82, a. 3, c. But probably he is not to be understood of the material properly so called, as, e. g., the entity of the act is the material of deformity in actual sin, because the material properly so called is presupposed to the formal. But concupiscence is not presupposed to the privation of original justice, in which we place the formal element of original sin, but follows upon it as its effect. It must therefore be understood of the material improperly and widely, inasmuch as an effect is wont to be compared to its cause, or a secondary effect to the primary, as material to formal. For that which stands consequentially toward some form can and is wont to be called in some way its matter. So at least more commonly the Thomists, against Gonet and the Salmanticenses.

> *Quod autem concupiscentia sit materiale in peccato originali, quod est secunda pars conclusionis, expresse docet S. Thomas hic q. 82, a. 3, c. Sed probabiliter non videtur intelligendus de materiali proprie dicto, sicut v. g., entitas actus est materiale deformitatis in peccato actuali, quia materiale proprie dictum praesupponitur ad formale. Concupiscentia autem non praesupponitur ad privationem justitiae originalis, in qua reponimus formale peccati originalis, sed*

consequitur ad illam ut ejus effectus. Debet igitur intelligi de materiali improprie et late, quatenus effectus solet comparari ad suam causam, seu effectus secundarius ad primarium, tamquam materiale ad formale. Etenim quod se habet consequenter ad aliquam formam, potest et solet dici aliquo modo ejus materia. Ita saltem communius Thomistae, contra Gonet et Salmanticenses.

9 **I say** 2°: The essence or formal constitutive element of original sin consists in the privation of original justice, as regards its primary effect, namely that it is voluntary to us by the will of our head[1]. This is the common doctrine of the Thomists and of many extraneous authors.

1 Here q. 82, a. 2, c ; in II Sentent., dist. 30, q. 1, a. 3 and elsewhere ; Opusc., II, c. 186.

***Dico** 2° : Essentia seu formale constitutivum peccati originalis consistit in privatione justitiae originalis, quoad primarium ejus effectum, ut voluntaria nobis voluntate capitis[1]. Est communis Thomistarum et plurium extraneorum.*

1 Hic q. 82, a. 2, c ; in II Sentent., dist. 30, q. 1, a. 3 et alibi; Opusc., II, c. 186.

10 For the understanding of this it must be observed that original justice is nothing else than the perfect rectitude of the whole man. Whence it imported three things : the first, foundation and cause of the others, was the subjection of reason or will to God ; the second, the subjection of the inferior powers to reason ; the third, the subjection of the body to the soul. Man therefore was so instituted that unless his reason were withdrawn from God by sinning, neither could his body be withdrawn from the nod of the soul (whence he was impassible and immortal), nor the sensible powers from the rectitude of reason. He could sin truly, his will not yet confirmed in good through the attainment of the last end. Adam therefore sinned, and by sinning lost for himself and for us original justice as regards all its effects. We say therefore that the essential element of original sin consists in the privation of original justice as regards its primary effect.

Ad cujus intelligentiam observandum est, justitiam originalem nihil aliud esse quam perfectam rectitudinem totius hominis. Unde tria importabat : primum, fundamentum et causa caeterorum, erat subjectio rationis seu voluntatis ad Deum ; secundum, subjectio virium inferiorum ad rationem ; tertium, subjectio corporis ad animam. Fuit ergo homo sic institutus, ut nisi ratio ejus peccando subduceretur a Deo, neque ejus corpus subduci poterat a nutu animae (unde erat impassibilis et immortalis), neque vires sensibiles a rectitudine rationis. Peccare vero poterat, voluntate ejus nondum confirmata in bono per adeptionem ultimi finis. Peccavit ergo Adam, et peccando perdidit sibi et nobis justitiam originalem quoad omnes suos effectus. Dicimus itaque essentiale peccati originalis consistere in privatione justitiae originalis quoad primarium ejus effectum.

11 *It is proved.* 1° By authority. Original sin is called by Scripture and the Fathers, by the council of Arausica, can. 2, and by Trent, sess. V, can. 2, death of the soul and enmity of God. Therefore it consists in the privation of that gift whereby we live spiritually and are friends of God. — I subjoin. But this gift is sanctifying grace, which is the first effect of original justice. Therefore in the privation of that is placed the essence of original sin.

Prob. *1° authoritate. Peccatum originale vocatur a Scriptura et Patribus, a concil. Arausicano, can. 2, et a Trid., sess. V, can. 2, mors animae et inimicitia Dei. Ergo consistit in privatione illius doni quo spiritualiter vivimus et sumus amici Dei. — Subsumo. Atqui hoc donum est gratia sanctificans, quae est primus effectus justitiae originalis. Ergo in privatione illius sita est essentia peccati originalis.*

12 *It is proved.* By a manifold reason. 1° In that is placed the essence of original sin which is taken away by baptism ; for baptism was principally instituted as a remedy for original sin. But by baptism is

taken away the privation of original justice as regards its primary effect ; for there is conferred sanctifying grace, joining the mind to God and subjecting it. *Therefore.*

> Prob. *ratione multiplici. 1° In eo sita est essentia peccati originalis, quod tollitur per baptismum; est enim baptismus principaliter institutus in remedium peccati originalis. Atqui per baptismum tollitur privatio justitiae originalis quoad primarium ejus effectum; confertur enim gratia sanctificans, mentem Deo conjungens et subjiciens. Ergo.*

13 2° That is the essence or formal constitutive element of a thing which is first conceived in it as the root of the other things that pertain to that thing. But the privation of original justice, as regards its primary effect, namely conjunction with God, is what is first conceived in original sin as the root of the inordination of the inferior powers and of the corporal penalties that pertain to original sin. *Therefore.* — The min. is proved. By this very fact that the soul, by sinning, was deprived of the grace and charity whereby it was subjected and joined to God, as it were the barrier removed, there was made the subversion and rebellion of the inferior powers against reason, and there followed the liability to death, both temporal and eternal, and to the other penalties and miseries which fallen man suffers. *Therefore.*

> *2° Id est essentia seu formale constitutivum alicujus rei, quod primum in ea concipitur tamquam radix caeterorum quae ad illam rem pertinent. Atqui privatio justitiae originalis, quoad primarium ejus effectum, scilicet conjunctionem cum Deo, est quod primum in ea concipitur tamquam radix inordinationis virium inferiorum et poenalitatum corporalium quae ad peccatum originale pertinent. Ergo.* — Prob. *min. Hoc ipso quo anima peccando privata fuit gratia et charitate qua subjiciebatur et conjungebatur Deo, quasi sublato repagulo, facta est subversio et rebellio virium inferiorum contra rationem, subsecutus est reatus mortis tam temporalis quam aeternae, caeterarumque poenalitatum et miseriarum quas homo lapsus patitur. Ergo.*

14 3° Personal habitual sin consists in the privation of sanctifying grace, as voluntary by the proper will of the person. But original sin, as I have already often said, is of the genus of sin not actual, but habitual, differing in this alone from personal habitual sin, that it connotes the actual sin of Adam as head, from which it follows ; but personal habitual sin connotes the actual sin of the person sinning.

> *3° Peccatum habituale personale consistit in privatione gratiae sanctificantis, ut voluntaria voluntate propria personae. Atqui peccatum originale, ut jam saepius dixi, est de genere peccati, non actualis, sed habitualis, in hoc solo differens a peccato habituali personali, quod connotet peccatum actuale Adae ut capitis, ex quo sequitur; peccatum autem habituale personale connotat peccatum actuale personae peccantis.*

15 *You will say* 1°: The privation of original justice is the punishment of original sin. But punishment does not constitute guilt, but supposes it. *Therefore.* — The major St. Thomas expressly teaches here q. 85, a. 5, c, and q. 4 de Malo, a. 1. And it is the common sense, that we are deprived of original justice in punishment of original sin.

> Dices *1° : Privatio justitiae originalis est poena peccati originalis. Atqui poena non constituit culpam, sed supponit. Ergo. — Majorem expresse docet S. Thomas hic q. 85, a. 5, c, et q. 4 de Malo, a. 1. Estque sensus communis, nos privari justitia originali in poenam peccati originalis.*

16 *I answer.* I distinguish the major. The privation of original justice physically taken for the subtraction of the aid conserving it, is the punishment of original sin, *I concede*; because thus it is from God, who is not the author of guilt. Morally taken, as it is the lack of the due form, and as it is voluntary by the force of the actual sin of Adam, I deny; for thus it is essentially guilt, namely habitual. The parity is in personal habitual sin.

Resp. *Dist. maj. Privatio justitiae originalis physice sumpta pro subtractione auxilii illam conservantis, est poena peccati originalis,* conc.*; quia sic est a Deo qui non est author culpae. Moraliter sumpta, prout est carentia formae debita, et ut est voluntaria vi peccati actualis Adami, nego; sic enim est essentialiter culpa, scilicet habitualis. Paritas est in peccato habituali personali.*

17 *You will say* 2°: If original sin be essentially the privation of original justice, as regards its primary effect, namely the conjunction of the mind with God through grace, it follows 1° that by baptism original justice is restored; because grace is restored, joining the mind to God. It follows 2° that one sinning after baptism contracts original sin again; because by sinning he is deprived of the grace joining the soul with God. Both absurd. *Therefore.*

Dices 2° *: Si peccatum originale sit essentialiter privatio justitiae originalis, quantum ad primarium suum effectum, scilicet conjunctionem mentis cum Deo per gratiam, sequitur 1° quod per baptismum reddatur justitia originalis; quia redditur gratia conjungens mentem Deo. Sequitur 2° quod peccans post baptismum, iterum contrahat peccatum originale; quia peccando privatur gratia conjungente animam cum Deo. Utrumque absurdum. Ergo.*

18 *I answer.* To the first. I distinguish the consequence. It follows that by baptism original justice is restored inadequately, *I concede*; adequately, I deny. For original justice not only joined the soul to God as to the last end, but moreover perfectly subjected the inferior powers to reason, and the body to the soul; which secondary effects are not restored by baptism. To the second, I deny the consequence. For original sin is not by whatever privation of sanctifying grace, but by that only which was voluntary in the head, and which we contract through seminal propagation.

Resp. *ad primum. Dist. sequela. Sequitur quod per baptismum reddatur justitia originalis inadaequate,* conc.*; adaequate, nego. Justitia enim originalis non solum animam Deo ut ultimo fini conjungebat, sed insuper perfecte subjiciebat vires inferiores rationi, et corpus animae; qui effectus secundarii non redduntur per baptismum. Ad secundum, nego sequelam. Non enim quavis privatione gratiae sanctificantis est peccatum originale, sed illa solum qua fuit voluntaria in capite, et quam per seminalem propagationem contrahimus.*

19 From what has been said you will gather : 1° that original sin, as regards its formal element, is equal in all[1] ; because thus taken it imports the privation of original justice and respect to the sin of Adam from which it originates. But this privation is equal in all, since all are totally deprived of original justice. Similarly this respect is equal in all, because all are equally sons of Adam.

1 Here q. 82, a. 4, c.

Ex dictis colliges : 1° peccatum originale quoad suum formale esse aequaliter in omnibus[1]; quia sic sumptum importat privationem justitiae originalis et respectum ad peccatum Adae a quo originatur. Ista autem privatio est aequalis in omnibus, cum omnes sint totaliter privati justitia originali. Similiter iste respectus est aequalis in omnibus, quia omnes sunt aequaliter filii Adae.

1 Hic q. 82, a. 4, c.

20 2° As regards its material element, original sin is not equal in all[2]. For the bond of original justice being loosed, under which in a certain order all the powers of the soul were contained, each power by nature tends into its own proper motion, and the more vehemently the stronger it is. But it happens that some powers are stronger in one than in another, on account of the diverse complexions of the body. That therefore one man is more prone to concupiscence than another is not by reason of original sin formally taken, since in all equally is the bond of original justice loosed, and equally in all the inferior parts of the soul are left to themselves. But this happens from the diverse disposition of

the powers : as, the bridle being equally loosed whereby many horses were held, one carries his rider more violently than another, on account of the greater natural ferocity in one than in the other.

2 Ibid., ad 1.

> *2° Quantum ad suum materiale, peccatum originale non est aequaliter in omnibus[2]. Soluto enim vinculo originalis justitiae sub quo quodam ordine omnes vires animae continebantur, unaquaeque vis natura tendit in suum proprium motum, et tanto vehementius, quanto fuerit fortior. Contingit autem vires aliquas esse fortiores in uno quam in alio, propter diversas corporis complexiones. Quod ergo unus homo sit pronior ad concupiscendum, quam alter, non est ratione peccati originalis formaliter sumpti, cum in omnibus aequaliter solvatur vinculum originalis justitiae, et aequaliter in omnibus partes inferiores animae sibi relinquantur. Sed accidit hoc ex diversa dispositione potentiarum : sicut, soluto aequaliter freno quo multi equi detinebantur, unus alio fortius suum sessorem agit, propter majorem ferocitatem naturalem in uno quam in alio.*
>
> *2 Ibid., ad 1.*

On the Effects of Sin

1 **DISSERTATION VII**

> ***DISSERTATIO VII***

2 **ON THE EFFECTS OF SIN**

> ***DE EFFECTIBUS PECCATI***

3 St. Thomas, Ia IIae, qq. 85, 86 and 87.

> *S. Thomas, Ia IIae, qq. 85, 86 et 87.*

Whether from actual sin there remains in the soul a stain, or habitual sin, and what it is?

1 St. Thomas, q. 86.

> *S. Thomas, q. 86.*

2 What we call habitual sin the ancients called stain; for, as authors note, this complex term, habitual sin, is not found among the ancients, but only stain. That habitual sin and stain are one and the same is manifest; because to be stained and unclean before God is to be defiled with sins, injurious and offensive to God, which is the proper and formal effect of habitual sin.

> *Quod nos dicimus peccatum habituale, antiqui dicebant maculam; non enim, ut advertunt authores, reperitur apud antiquos hoc complexum, peccatum habituale, sed tantum macula. Esse autem unum et idem peccatum habituale et maculam, patet; quia esse maculatum et immundum coram Deo, est esse peccatis coinquinatum, Deo injuriosum et offensum, quod est proprius et formalis effectus peccati habitualis.*

3 **I say** 1°: From actual sin there follows in the soul a stain which is called habitual sin[1].

1 Here q. 86, a. 1, c.

> ***Dico** 1° : Ex peccato actuali sequitur in anima macula quae dicitur peccatum habituale[1].*
>
> *1 Hic q. 86, a. 1, c.*

4 The Scriptures prove this effect of sin, calling sin by its proper name stain, as *Josue*, XXII, 17: *Is it a small thing unto you that you sinned against Beelphegor, and that even to this day the stain of that crime remaineth*

in you? Likewise *Jerem.*, II, 22, *Psal.*, XIV, 2, and elsewhere. Also those which call sins filthinesses, uncleannesses, defilements, as *Isa.*, IV, 4: *If the Lord shall wash away the filth of the daughters of Sion.*

> *Hunc peccati effectum probant Scripturae, quae peccatum vocant proprio nomine maculam, ut* Josue, *XXII, 17 :* An parum est vobis quod peccastis in Beelphegor, et usque in praesentem diem macula hujus sceleris in vobis permanet ? *Similiter* Jerem., *II, 22,* Psal., *XIV, 2, et alibi. Item quae peccata vocant sordes, immunditias, inquinamenta, ut* Isa., *IV, 4 :* Si abluerit Dominus sordes filiarum Sion.

5 Reason also supports it. Stain in spiritual things is said after the manner of stain in bodily things[2]. Therefore just as a clean body is said properly to be stained when from contact with another body it loses its brightness, as when a garment is infected with oil; so the soul is said metaphorically to be stained, when through disordered affection toward creatures, which is a certain touch of hers, she loses the brightness she had from the refulgence of the light both of reason and of grace. For each thing, as it is perfected by union with nobler things, so is it disfigured and made vile by admixture with inferiors: thus silver by admixture of gold becomes better, by admixture of tin deteriorates and becomes impure.

2 Ibid.

> *Ratio suffragatur. Macula in spiritualibus dicitur ad instar maculae in corporalibus[2]. Sicut ergo corpus nitidum dicitur maculari proprie, dum ex contactu alterius corporis nitorem suum perdit, ut dum vestis oleo inficitur; sic anima dicitur metaphorice maculari, dum ex inordinato ad creaturas affectu, qui est quidam ejus tactus, amittit nitorem quem habebat ex refulgentia luminis, tum rationis, cum gratiae. Unaquaeque res enim, sicut ex unione ad nobiliora perficitur, ita admixtione cum inferioribus deturpatur et vilescit : sic argentum ex admixtione auri fit melius, ex admixtione stanni deterioratur et fit impurum.*
>
> 2 *Ibid.*

6 **I say** 2°: The stain remains in the soul after the act of sin[1].

1 Ibid., a. 2, c.

> ***Dico** 2° : Macula remanet in anima post actum peccati[1].*
>
> 1 *Ibid., a. 2, c.*

7 *It is proved* 1° from the places cited in the first conclusion, and because man, according to Scripture, after the act of sin is called and remains a sinner. *Matth.*, IX, 10: *Sinners and publicans coming sat down with Jesus.* Therefore something remains in him whereby he be so denominated; otherwise he would be denominated sinner by merely extrinsic denomination, which we shall impugn presently.

> Probatur *1° ex locis citatis in prima conclusione, et quia homo, ex Scriptura, post actum peccati, vocatur et remanet peccator.* Matth., *IX, 10 :* Peccatores et publicani venientes discumbebant cum Jesu. *Ergo aliquid in eo manet, quo talis denominetur; alioquin denominaretur peccator denominatione tantum extrinseca, quod modo impugnabimus.*

8 2° By reason. Man incurs the stain of sin by recession from the light of reason and of divine law[2]. Therefore, as long as man remains outside such light, he remains under the stain of sin. — I subjoin. Yet although the act of sin whereby man departed from the light of reason and divine law ceases, he does not at once return to that in which he had been, but some motion of will contrary to the first motion is required; as if one be distant from something through some motion, he does not at once, the motion ceasing, become near to it, but he must approach, returning through a contrary motion. Therefore.

[2] Ibid., c.

> *2° Ratione. Homo incurrit maculam peccati per recessum a lumine rationis et divinae legis[2]. Ergo, quamdiu homo manet extra hujusmodi lumen, manet in eo macula peccati. — Subsumo. Atqui, etsi cesset actus peccati quo homo discessit a lumine rationis et divinae legis, non tamen statim redit ad illud in quo fuerat, sed requiritur aliquis motus voluntatis contrarius primo motui; sicut si aliquis sit distans ab aliquo per aliquem motum, non statim, cessante motu, fit ei propinquus, sed oportet quod appropinquet, rediens per motum contrarium. Ergo.*
>
> [2] *Ibid., c.*

[9] **I say** 3°: The stain of mortal sin is the privation of the brightness of grace, or, what is the same, of grace itself, connoting the preceding actual sin from which it is caused.

> ***Dico** 3° : Macula peccati mortalis est privatio nitoris gratiae, seu, quod idem est, ipsiusmet gratiae, connotans peccatum actuale praecedens a quo causatur.*

[10] *The first part is proved.* 1° The stain of sin, or habitual sin, consists in that which is first expelled per se by justification; for justification is remission of sins. But the privation of sanctifying grace is that which is first expelled by justification. « [For] remission of guilt cannot be understood if infusion of grace were not present, » as the Author teaches infra q. 113, a. 2, c, and as Trid. says, sess. VI, cap. 7: *Grace*, or « the justice of God, is the one formal cause of our justification. » Therefore.

> Probatur *prima pars. 1° In eo consistit peccati macula seu peccatum habituale, quod primo per se expellitur per justificationem; est enim justificatio remissio peccatorum. Atqui privatio gratiae sanctificantis est id quod primo expellitur per justificationem. « Non [enim] potest intelligi remissio culpae, si non adesset infusio gratiae, » ut docet Author infra q. 113, a. 2, c, et ut dicit Trid., sess. VI, cap. 7 :* Gratia*, seu « justitia Dei, est unica causa formalis justificationis nostra. » Ergo.*

[11] 2° By that man is constituted habitually a sinner and unjust, by whose opposite he is constituted habitually just. But man is constituted habitually just by sanctifying grace. Therefore by its privation he is constituted habitually unjust and a sinner.

> *2° Per id homo constituitur habitualiter peccator et injustus, per cujus oppositum constituitur habitualiter justus. Atqui homo constituitur habitualiter justus per gratiam sanctificantem. Ergo per ejus privationem constituitur habitualiter injustus et peccator.*

[12] *The second part is proved.* 1° That that stain have the reason of guilt, it must be moral and voluntary. Therefore it must connote the act of will from which it is caused.

> Probatur *secunda pars. 1° Ut illa macula habeat rationem culpae, debet esse moralis et voluntaria. Ergo debet connotare actum voluntatis a quo causatur.*

[13] 2° If the stain consisted in privation of sanctifying grace without respect to the actual sin from which it is caused, since the privation of such grace is unique, indivisible, and of the same species in all, it cannot be explained how stains are many, diverse and unequal[1].

[1] Here q. 86, a. 1, ad 3; in II Sentent., dist. 32, q. 1, a. 1, ad 2.

> *2° Si macula consisteret in privatione gratiae sanctificantis sine respectu ad peccatum actuale a quo causatur, cum privatio hujusmodi gratiae sit unica, indivisibilis et ejusdem speciei in omnibus, non potest explicari quomodo maculae sint plures, diversae et inaequales[1].*
>
> [1] *Hic q. 86, a. 1, ad 3; in II Sentent., dist. 32, q. 1, a. 1, ad 2.*

14 **I say** 4°: The stain of venial sin is the privation of the fervor of charity from actual venial sins.

> ***Dico** 4° : Macula peccati venialis est privatio fervoris charitatis ex peccatis actualibus venialibus.*

15 St. Thomas expounds and explains this conclusion in IV Sentent., dist. 16, q. 2, a. 2, ad 1, in these words: « It must be said that stain can be in a twofold way: in one mode, through privation of beauty; and thus in venial sin no stain remains, because it does not take away grace, which is the adornment of the soul: in another mode, through this, that the beauty, which is of grace, is hindered from appearing outwardly, as by dust the beauty of the face is befouled; and such stain is in venial sin, because the adornment of grace is hindered from being shown outwardly in acts. »

> *Hanc conclusionem exponit et explicat S. Thomas in IV Sentent., dist. 16, q. 2, a. 2, ad 1, his verbis : « Dicendum quod macula potest esse dupliciter : uno modo, per privationem pulchritudinis; et sic in veniali non manet aliqua macula, quia non tollit gratiam, quae est animae decor : alio modo, per hoc quod pulchritudo, quae est gratiae, impeditur ne exterius appareat, sicut per pulverem pulchritudo faciei foedatur; et talis macula est in veniali, quia impeditur decor gratiae, ne in actibus exterius ostendatur. »*

16 Whence the stain of venial sin is not a stain properly and simply, but only secundum quid; because it does not take away the form whereby beauty inheres in the soul, namely grace, but only obscures and covers it, that it shine less in acts; as a comely face by dust becomes somewhat uncleanly, yet its beauty is not destroyed[1].

1 Here q. 89, a. 1, o.

> *Unde macula peccati venialis non est macula proprie et simpliciter, sed tantum secundum quid; quia non tollit formam per quam inest animae pulchritudo, scilicet gratiam, sed tantum obnubilat et tegit, ut minus splendeat in actibus; sicut facies venusta ex pulvere nonnihil sordescit, non tamen ejus pulchritudo destruitur[1].*
>
> *1 Hic q. 89, a. 1, o.*

On the guilt of punishment

1 St. Thomas, q. 87.

> *D. Thomas, q. 87.*

2 *You will ask* 1° whether sin entails liability to punishment.

> Petes *1° utrum peccatum inducat reatum poenae.*

3 *I answer.* Affirmatively. Thus Scripture expressly in various places. *Exod.*, XXXII, 35: The Lord struck the people for the guilt of the calf. *Psal.* XXXI, 10: Many are the scourges of the sinner. *Matth.*, XXV, 41: Depart from me, you cursed, into everlasting fire. *Matth.*, V, 22: Whosoever shall say (to his brother), fool, shall be guilty of the fire of gehenna. *Rom.*, II, 9: Tribulation and anguish upon every soul of man that worketh evil. And elsewhere.

> Resp. *affirmative. Ita expresse Scriptura in variis locis.* Exod.*, XXXII, 35 : Percussit Dominus populum pro reatu vituli.* Psal. *XXXI, 10 : Multa flagella peccatoris.* Matth.*, XXV, 41 : Discedite a me, maledicti, in ignem aeternum.* Matth.*, V, 22 : Qui dixerit (fratri suo), fatue, reus erit gehennae ignis.* Rom.*, II, 9 : Tribulatio et angustia in omnem animam hominis operantis malum. Et alibi.*

4 *It is proved* by reason. Right reason demands that he who has violated the order and equality of justice restore and re-establish it by a kind of compensation of punishment[2]; which is observed in

those very injuries done to men. But he who sins violates the order and equality of divine justice, indulging his will more than he ought, acting against the commandment of God. *Therefore*.

[2] Here q. 87, a. 6, o.

> Probatur *ratione. Recta ratio postulat ut qui violavit ordinem et aequalitatem justitiae, illam redintegret et restauret per quamdam recompensationem poenae*[2] *; quod in ipsis injuriis hominibus factis observatur. Atqui qui peccat, violat ordinem et aequalitatem justitiae divinae, voluntati suae indulgendo plusquam debet, contra mandatum Dei agens. Ergo.*
>
> [2] *Hic q. 87, a. 6, o.*

[5] *You will ask* 2° what liability to punishment is.

> Petes *2° quid sit reatus poenae.*

[6] *I answer.* Liability to punishment is not an ordination, whether active or passive, to punishment, but it is the condignity or due of punishment to be undergone on account of sin: both because sin is first worthy of punishment before it is ordained to it; nay, it is not ordained to it except because it is worthy of it, as an act of virtue is first worthy of reward before it is ordained to it, nor is it ordained to the reward except because it is worthy of it: and because, even if God did not ordain the sinner to punishment, nevertheless the sinner would be worthy of punishment: and finally because ordination to punishment is good and from God, but God makes no one liable to punishment.

> Resp. *Reatus poenae non est ordinatio sive activa, sive passiva ad poenam, sed est condignitas seu debitum poenae propter peccatum luendae : tum quia peccatum prius est dignum poena, quam ordinetur ad illam ; imo non ordinatur ad illam, nisi quia est illa dignum, sicut actus virtutis est prius dignus praemio, quam ordinetur ad illud, nec ac praemium ordinatur, nisi quia est illo dignus : tum quia, etsi Deus peccatorem non ordinaret ad poenam, nihilominus peccator esset poena dignus : tum tandem quia ordinatio ad poenam est bona et a Deo, Deus autem neminem facit reum poenae.*

[7] *You will ask* 3° whether liability to punishment remains after sin remitted.

> Petes *3° utrum reatus poenae maneat post peccatum remissum.*

[8] *I answer.* Sin being remitted, there can remain the liability to some temporal punishment[1]. This is against the Lutherans and Calvinists dogmatizing that with guilt the whole punishment is always remitted, and thence doing away with indulgences, satisfactions and Purgatory.

[1] Ibid.

> Resp. *Remisso peccato, potest remanere reatus alicujus poenae temporalis*[1]*. Est contra Lutheranos et Calvinistas dogmatizantes, semper cum culpa totam remitti poenam, et inde tollentes indulgentias, satisfactiones et Purgatorium.*
>
> [1] *Ibid.*

[9] *I say*. God indeed can remit all things; but ordinarily, in remitting guilt and constituting man by grace heir of glory, he remits only eternal punishment, and changes it into temporal satisfactory punishment.

> Dico. *Deus potest quidem omnia remittere; sed ordinarie, remittendo culpam et constituendo per gratiam hominem haeredem gloriae, remittit tantum poenam aeternam, eamque commutat in temporalem satisfactoriam.*

[10] That this is so Scripture openly testifies. For Adam himself, whose guilt, it is agreed, was remitted, *Sap.*, X, 2, yet underwent various punishments, not as medicinal against future sins, as the heretics

will, but in vindication of past guilt. For it is said *Genes.*, III, 17: Because thou hast hearkened to the voice of thy wife, and hast eaten of the tree whereof I commanded thee that thou shouldst not eat, cursed is the earth in thy work; with labor and toil shalt thou eat thereof, etc. Moreover death and the miseries of this life are punishments of original sin, yet they are incurred also by those to whom it has been remitted. Likewise David, *II Reg.*, XII, 14, after obtaining pardon for his adultery, was punished by the death of his son, not as a safeguard against the future, but in vengeance for the past; for Nathan said to him: Because thou hast made the enemies of the Lord to blaspheme, for this thing, the child that is born to thee shall surely die. So in many other places; and thus it was defined by the council of Trent, session VI, chapter 14 and canon 30; session XIV, chapter 8 and canon 12. Of which more in the third part of the Summa, at q. 86.

> *Ita fieri aperte testantur Scriptura. Nam ipse Adam, cui constat,* Sap., *X, 2, culpam fuisse remissam, varias tamen poenas luit, non ut medicinales contra peccata futura, ut volunt haeretici, sed in vindictam culpae praeterita. Dicitur enim* Genes., *III, 17 : Quia audisti vocem uxoris tuae, et comedisti de ligno ex quo praeceperam tibi ne comederes, maledicta terra in opere tuo, in laboribus comedes ex ea, etc. Insuper mors et miseriae hujus vitae sunt poenae peccati originalis, quibus tamen sunt obnoxii hi quibus remissum est. Item David,* II Reg., *XII, 14, post obtentam veniam sui adulterii, punitus fuit morte filii sui, non in cautelam futuri, sed in ultionem praeteriti ; dicit enim ei Nathan : Quoniam blasphemare fecisti inimicos Domini, propter verbum hoc, filius qui natus est tibi morte morietur. Ita pluries alibi ; et sic definivit concil. Trid., sess. VI, cap. 14 et can. 30 ; sess. XIV, cap. 8 et can. 12. De quo plura in 3ª parte Summae, ad q. 86.*

What guilt of punishment sin induces?

1 Punishment strictly taken is penal and afflicting evil, inflicted against the inclination at least natural of the one suffering it, in vengeance for his own sin. And since evil is twofold, positive and privative, punishment is twofold : One positive, which is called the pain of sense, because, since it torments by inflicting something disconvenient and noxious either to the soul or to the body, and the positive afflictive hurt is perceived chiefly by the senses, therefore this punishment, whether it regard the mind or the body, is called pain of sense. The other is privative, and is called the pain of loss, by which is understood the loss of those goods which are owed to men from the promise of God; among which, since the beatific and intuitive vision of God stands forth eminent, its privation is called antonomastically the pain of loss.

> *Poena stricte sumpta, est malum punitivum et afflictivum, inflictum contra inclinationem saltem naturalem passi, in vindictam sui peccati. Et quia est duplex malum, positivum et privativum, duplex est poena : Una positiva, quae vocatur poena sensus, quia cum torqueat inferendo aliquid disconveniens et nocivum sive animae, sive corpori, et nocumentum positive afflictivum maxime sensibus percipiatur, ideo haec poena, sive animum sive corpus spectet, dicitur poena sensus. Altera est privativa, et vocatur poena damni, per quam intelligitur amissio bonorum quae hominibus ex Dei promissione debentur, inter quae cum emineat visio beatifica et intuitiva Dei, hujus privatio vocatur antonomastice poena damni.*

2 **§ I**

> *§ I*

3 **How manyfold is the punishment of sin?**

> ***Quotuplex sit poena peccati?***

4 **I say** : Every personal mortal sin induces the guilt of twofold punishment, namely of loss and of sense[1]. Of original sin I shall speak below.

1 Here a. 4, c.

> ***Dico*** *: Quodlibet peccatum mortale personale inducit reatum duplicis poenae, scilicet damni et sensus[1]. De peccato originali dicam infra.*
>
> *1 Hic a. 4, o.*

5 The conclusion on both parts is of faith, expressed in the sentence to be pronounced by Christ at the last judgment, in these words *Matth.*, XXV, 41 : Depart from me, you cursed, into everlasting fire. Depart from me expresses the pain of loss; into everlasting fire, the pain of sense. Various other texts prove the same, whereby we are taught that men, on account of sin, are both deprived of the kingdom of heaven, as *I Cor.*, VI, 9 ; *Matth.*, III, 2, etc., and delivered over to the torment of fire, *Isa.*, LXVI, 16 ; *Apoc.*, XIV, 10, and elsewhere.

> *Conclusio quoad utramque partem est de fide expressa in sententia a Christo in ultimo judicio ferenda, his verbis* Matth.*, XXV, 41 : Discedite a me, maledicti, in ignem aeternum. Discedite, exprimit poenam damni; in ignem aeternum, poenam sensus. Idem probant varii alii textus quibus docemur homines, ob peccatum, et privari regno coelorum, ut* I Cor.*, VI, 9 ;* Matth.*, III, 2, etc., et tradi in supplicium ignis,* Isa.*, LXVI, 16 ;* Apoc.*, XIV, 10, et alibi.*

6 *Reason* congruent[2]. Punishment is proportioned to sin. Now in sin there are two things, namely aversion from the unchangeable good and conversion to changeable good, according to that word *Jerem.*, II, 13 : Two evils has my people done. They have forsaken me, the fountain of living water, and have digged to themselves broken cisterns. That therefore punishment be proportioned to sin, there must be something answering to aversion, and that is the pain of loss; and something answering to conversion, and that is the pain of sense. For it is equitable that he who voluntarily turns himself away from God remain separated from him, and that he who converts himself to a creature, seeking from it glory or delight, be afflicted through it; so that even in this sense that word is true *Sap.*, XI, 17 : By what things a man sinneth, by these also he is tormented.

2 Ibid.

> Ratio *congrua[2]. Poena proportionatur peccato. In peccato autem duo sunt, nempe aversio ab incommutabili bono et conversio ad commutabile bonum, juxta illud* Jerem.*, II, 13 : Duo mala fecit populus meus. Me dereliquerunt fontem aquae vivae, et foderunt sibi cisternas dissipatas. Ut ergo poena sit proportionata peccato, debet esse aliquid quod respondeat aversioni, et est poena damni, et aliquid quod respondeat conversioni, et est poena sensus. Aequum namque est ut qui se a Deo voluntarie avertit, ab eo maneat separatus, et qui ad creaturam se convertit, ex ea quaerens gloriam aut delectationem, per eam affligatur, ut sit et hoc sensu verum illud* Sap.*, XI, 17 : Per quae peccat quis, per haec et torquetur.*
>
> *2 Ibid.*

7 *You will ask* 1° whether the grief arising from lost beatitude be pain of sense, or of loss.

> Petes *1° an dolor ex amissa beatitudine sit poena sensus, vel damni.*

8 *Answer* that it is not properly punishment, but supposes the punishment from which it is caused; reductively, however, it pertains to the pain of loss, from which it results, as joy is reduced to beatitude, from which it springs up.

> Resp. *non esse proprie poenam, sed supponere poenam a qua causatur, reductive autem pertinere ad poenam damni, ex qua resultat, sicut gaudium reducitur ad beatitudinem, ex qua consurgit.*

9 *You will ask* 2° which punishment is graver : that of loss, or that of sense?

> Petes *2° quae poena sit gravior : an damni, an sensus?*

10 *Answer* that the pain of loss is graver, because it is quasi-essential, and is opposed to the beatific vision, which holds the first place in beatitude; but the pain of sense is quasi-accidental, and is opposed to accidental beatitude.

> Resp. *poenam damni esse graviorem, quia est quasi essentialis, et opponitur visioni beatificae, quae primum locum tenet in beatitudine; poena autem sensus est quasi accidentalis, et beatitudini accidentali opponitur.*

11 *You will ask* 3° whether the pain of loss be equal in all the damned.

> Petes *3º utrum poena damni sit aequalis in omnibus damnatis.*

12 *Answer* negatively : 1° because the pain of loss stands under the character of torment toward the damned, as the beatific vision, of which it is the privation, stands under the character of reward toward the blessed. But this is not equal in all the blessed. Therefore neither is that in all the damned. 2° One damned man grieves more for lost beatitude than another. Therefore the loss of beatitude is a greater evil to him than to the other.

> Resp. *negative : 1° quia sic se habet poena damni in ratione supplicii ad damnatos, sicut visio beatifica, cujus est privatio, in ratione praemii ad beatos. Atqui haec non est aequalis in omnibus beatis. Ergo nec illa in omnibus damnatis. 2° Unus damnatus magis dolet de amissa beatitudine, quam alter. Ergo amissio beatitudinis est illi majus malum quam alteri.*

13 *You will say* : According to St. Thomas, above q. 73, a. 2, c., total privation and in facto esse admits neither greater nor lesser. But the pain of loss is total privation and in facto esse. Therefore.

> Dices *: Juxta S. Thomam, supra q. 73, a. 2, o, privatio totalis et in facto esse non admittit majus aut minus. Atqui poena damni est privatio totalis et in facto esse. Ergo.*

14 *Answer. I distinguish* the major. Total privation and in facto esse admits neither greater nor lesser extensively, *I concede*, because it takes away not more nor less of the form; intensively, *I deny*, because, greater obstacles being set against the form, it becomes more deeply rooted and fixed in the subject.

> Resp. Dist. *maj. Privatio totalis et in facto esse non admittit majus aut minus extensive,* conc., *quia non plus aut minus aufert de forma; intensive,* nego, *quia apponendo formae majora obstacula, magis radicatur et firmatur in subjecto.*

15 **§ II**

> ***§ II***

16 **Whether any sin induces the guilt of eternal punishment?**

> ***Utrum aliquod peccatum inducat reatum poenae aeternae?***

17 **I say** 1° : It is of faith, against Origen, that the punishments of all the damned, both men and demons, will be eternal of common law; and thus mortal sin, unremitted in this life, must be chastised in hell with eternal punishment.

***Dico** 1° : De fide est, contra Origenem, poenas omnium damnatorum, tam hominum quam daemonum, de lege communi fore aeternas, sicque peccatum mortale, in hac vita non remissum, plectendum esse in inferno poena aeterna.*

18 Thus everywhere Scripture. *Isa.*, LXVI, 24, of the damned it is said : Their worm shall not die, and their fire shall not be extinguished. *Matth.*, XXV, 41 : Depart from me, you cursed, into everlasting fire; and 46 : These shall go into everlasting punishment, or, as Aug. reads, into everlasting combustion. *II Thess.*, I, 9 : They shall suffer eternal punishment in destruction from the face of the Lord. *Apoc.*, XIV, 10 and 11 : They shall be tormented with fire and brimstone... for ever and ever. And elsewhere.

Ita passim Scriptura. Isa.*, LXVI, 24, de damnatis dicitur : Vermis eorum non morietur, et ignis eorum non extinguetur.* Matth.*, XXV, 41 : Discedite a me, maledicti, in ignem aeternum, et 46 : Ibunt hi in supplicium aeternum, seu, ut legit Aug., in combustionem aeternam.* II Thess.*, I, 9 : Poenas dabunt in interitu aeternas a facie Domini.* Apoc.*, XIV, 10 et 11 : Cruciabuntur igne et sulphure... in saecula saeculorum. Et alibi.*

19 If you say that Scripture often signifies by the name of eternity, not perfect eternity, but long duration, *I answer* that indeed it is so; but *I deny* that it can be thus understood where it speaks of the punishments of the damned : both because the holy Fathers unanimously understand perfect eternity, and this is the common sense of the faithful; and from the context, for Scripture speaks of the punishments of the damned in the same manner as of the life of the blessed : These shall go into everlasting punishment, but the just into life everlasting. But it certainly stands established that the life of the blessed will be properly eternal. Therefore likewise the punishments of the damned properly eternal. And so it was defined in the fourth Lateran Council, chapter Firmiter, On the Holy Trinity[1], and in the Council of Trent, session VI, canons 25 and 26[2]

1 « Jesus Christ,... who is to come at the end of the world to judge the living and the dead, and to render to each according to his works, both to the reprobate and to the elect; all of whom shall rise again with their own bodies which they now bear, that they may receive according to their works, whether good or evil, the former with the devil perpetual punishment, and the latter with Christ sempiternal glory. »

2 Sess. VI, can. 25 : « If anyone say that the just sins at least venially in any good work whatsoever, or, which is intolerable, mortally, and consequently merits eternal punishments, and is not damned merely on this account, because God does not impute those works unto damnation; let him be anathema. » Condemned here is the error of those asserting that the just sins in everything at least venially, or even mortally; but not rejected — nay rather affirmed — is the relation of eternal punishment to mortal sin. Can. 26 : « If anyone say that the just ought not to expect and hope for eternal retribution from God, through his mercy and the merit of Jesus Christ, for the good works done in God, if, doing well and keeping the divine commandments, they persevere unto the end; let him be anathema. » Punishment ought to correspond to retribution. But the retribution will be eternal. Therefore also punishment. Sess. XIV, can. 5 : « If anyone say that that contrition which is prepared through discussion, collection, and detestation of sins, whereby someone reflects upon... the loss of eternal beatitude and the incursion of eternal damnation, with purpose of a better life, is not true and useful grief...; let him be anathema. »

Si dicas, Scripturam nomine aeternitatis saepe significare, non perfectam aeternitatem, sed longam durationem, resp. *equidem ita esse ; sed* nego *posse sic intelligi, ubi loquitur de poenis damnatorum : tum quia SS. Patres unanimiter intelligunt de perfecta aeternitate, et hic est sensus communis fidelium; tum ex contextu, eodem enim modo Scriptura loquitur de poenis damnatorum, ac de vita beatorum : Ibunt hi in supplicium aeternum, justi autem in vitam aeternam. Certo autem constat, vitam beatorum fore proprie aeternam. Ergo et aeternas proprie poenas damnatorum. Atque ita est definitum in conc. Later. IV, cap. Firmiter, de SS. Trinitate[1], et in conc. Trid., sess. VI, can. 25 et 26[2]*

1 *« Jesus Christus,... venturus in fine saeculi, judicaturus vivos et mortuos et redditurus singulis secundum opera sua, tam reprobis quam electis, qui omnes cum suis propriis resurgent corporibus quae nunc gestant, ut recipiant secundum opera sua, sive bona fuerint sive mala,*

illi cum diabolo poenam perpetuam, et isti cum Christo gloriam sempiternam. »

[2] *Sess. VI, can. 25: « Si quis in quolibet bono opere justum saltem venialiter peccare dixerit, aut, quod intolerabilis est, mortaliter, atque ideo poenas aeternas mereri, tantumque ob id non damnari, quia Deus ea opera non imputet ad damnationem; anathema sit. » Damnatur hic error asserentium justum in omnibus peccare saltem venialiter, aut etiam mortaliter; non vero reprobatur, quin potius affirmatur relatio poenae aeternae cum peccato mortali. Can. 26: « Si quis dixerit, justos non debere pro bonis operibus quae in Deo fuerint facta expectare et sperare aeternam retributionem a Deo, per ejus misericordiam et Jesu Christi meritum, si, bene agendo et divina mandata custodiendo, usque in finem perseveraverint; anathema sit. » Poena retributioni correspondere debet. Atqui retributio erit aeterna. Ergo et poena. Sess. XIV, can. 5: « Si quis dixerit, eam contritionem quae paratur per discussionem, collectionem et detestationem peccatorum, qua quis recogitat… amissionem aeternae beatitudinis et aeternae damnationis incursum, cum proposito melioris vitae, non esse verum et utilem dolorem…; anathema sit. »*

[20] I said, of common law, because there is no doubt but that God can, of absolute power, absolve all the damned from their punishments, and evacuate hell.

Dixi, de lege communi, quia non est dubium quin Deus possit de potentia absoluta omnes damnatos a poenis absolvere, et infernum evacuare.

[21] But, the dogma of faith supposed, a subtler question is raised among theologians : whether any sin of itself and its intrinsic malice induces the guilt of eternal punishment; or whether that character befit it only per accidens, whether by reason of the law laid down by God, whereby he forbids it under eternal punishment, or by reason of the subject, which remains perpetually deprived of grace. For the resolution of which,

Verum, supposito fidei dogmate, subtilior movetur quaestio inter theologos : an aliquod peccatum ex se et intrinseca sua malitia inducat reatum poenae aeternae; an tantum id ei conveniat per accidens, sive ratione legis latae a Deo, qua illud sub poena aeterna prohibet, sive ratione subjecti, quod perpetuo manet privatum gratia. Pro cujus resolutione,

[22] **I say** 2° : Mortal sin, of itself and its intrinsic malice, induces the guilt of eternal punishment; venial sin, the guilt of temporal punishment only[1].

[1] Here q. 87, a. 3 and 5, c.

***Dico** 2° : Peccatum mortale ex se et intrinseca sua malitia inducit reatum poenae aeternae; peccatum veniale, reatum poenae temporalis tantum[1].*

[1] Hic q. 87, a. 3 et 5, o.

[23] *Proof* of both parts together. That sin induces of itself and its intrinsic malice the guilt of eternal punishment which imports an inordination of itself irreparable. For sin induces the guilt of punishment by reason of inordination, as was said; but the cause remaining, the effect remains. But mortal sin, of itself and its intrinsic malice, says an inordination of itself irreparable; venial sin does not.

Prob. *utraque pars simul. Illud peccatum ex se et intrinseca sua malitia inducit reatum poenae aeternae, quod importat inordinationem de se irreparabilem. Peccatum enim inducit reatum poenae ratione inordinationis, ut dictum est; manente autem causa, manet effectus. Atqui peccatum mortale ex se et intrinseca sua malitia dicit inordinationem de se irreparabilem, non peccatum veniale.*

[24] Therefore. — *Proof* of the minor by a twofold argument : 1° Mortal sin averts and disorders from the ultimate end, as we shall say below; but venial sin disorders only about means to the end. But disorder from the ultimate end is of its own nature irreparable, not disorder about means. Therefore. — Proof of the minor. The ultimate end stands in moral and practical matters as the first principle

stands in speculative matters. But error concerning the first principle in speculative matters is irreparable of itself; for by whom would it be repaired? Otherwise error concerning conclusions, which can be repaired from right understanding of the principle. Therefore disorder concerning the ultimate end is irreparable of itself, not disorder about means.

> *Ergo.* — Prob. *min. duplici momento : 1° Peccatum mortale avertit et deordinat ab ultimo fine, ut dicemus infra; peccatum autem veniale deordinat tantum circa media ad finem. Atqui deordinatio ab ultimo fine ex propria ratione est irreparabilis, non deordinatio circa media. Ergo.* — Prob. *min. Sic se habet ultimus finis in moralibus et practiceis, sicut primum principium in speculativis. Atqui error circa primum principium in speculativis est de se irreparabilis ; a quo enim repararetur? Secus error circa conclusiones, qui ex recta principii intelligentia potest reparari. Ergo deordinatio circa finem ultimum est de se irreparabilis, non deordinatio circa media.*

25 *Proof* 2° of the first minor. Mortal sin takes away grace, which is the principle of spiritual life, and so stands as death of the soul; but venial sin takes not away grace, but only lessens its fervor, and so stands as sickness and languor of the soul. But death is not repairable except by miracle; sickness and languor are repairable by the forces of nature. Therefore.

> Prob. 2° *prima minor. Peccatum mortale tollit gratiam quae est principium vitae spiritualis, sicque se habet ut mors animae ; peccatum autem veniale non tollit gratiam, sed tantum ejus fervorem minuit, sicque se habet ut morbus et languor animae. Atqui mors non est reparabilis nisi per miraculum, morbus autem et languor est reparabilis viribus naturae. Ergo.*

26 *You will say* against the first part : Just punishment is equaled to fault; for justice is equality. Whence *Isa.*, XXVII, 8 : Measure against measure : when it shall be cast off, thou shalt judge it. But sin is temporal and often momentary. Therefore eternal punishment is not owed to it.

> Dices *contra primam partem : Poena justa adaequatur culpae; justitia enim est aequalitas. Unde* Isa., *XXVII, 8 : In mensura contra mensuram: cum abjecta fuerit, judicabis eam. Atqui peccatum est temporale et saepe momentaneum. Ergo illi non debetur poena aeterna.*

27 *Answer. I distinguish* the major.[1] Just punishment, as to quantity or acerbity, is equaled to fault, *I concede*; as to duration, *I deny*. For, as Aug. says book XXI de Civit., c. 11, in much judgment, even human, it is required that punishment be equaled to fault as to duration. For not because adultery or homicide is committed in a moment is momentary punishment inflicted for that reason, but sometimes perpetual imprisonment or exile, sometimes even death; wherein is considered not the brief delay of the killing, but rather that he be taken away in perpetuity from the fellowship of the living, and thus it represents after its manner the eternity of the punishment inflicted divinely.

1 Ibid., a. 3, ad 1.

> Resp. Dist. *maj.*[1]. *Poena justa quoad quantitatem seu acerbitatem adaequatur culpae,* conc.*; quoad durationem,* nego. *Nam, sicut Aug. dicit lib. XXI de Civit., c. 11, in multo judicio, etiam humano, requiritur quod poena adaequetur culpae quantum ad durationem. Non enim quia adulterium vel homicidium in momento committitur, propter hoc momentanea poena punitur, sed quandoque perpetuo carcere vel exilio, quandoque etiam morte, in qua non consideratur occisionis mora brevis, sed potius quod in perpetuum auferatur a societate viventium, et sic representat suo modo aeternitatem poenae inflictae divinitus.*
>
> [1] *Ibid., a. 3, ad 1.*

28 **I say** 3° : Although to venial sin there is owed of itself temporal punishment only, as was said, nevertheless, if it be not remitted as to fault in this life, and be joined to mortal sin, it is punished per accidens in hell with eternal punishment[1]. So with the Author judge St. Bonaventure, Richard, Abulensis, and several others, both ancients and more recent, against Scotus and the Scotists.

1 Ibid., a. 5, ad 3 ; in II Sentent., dist. 33, q. 2, a. 1, ad 2 Suppl., q. 69, a. 7 ; q. 7 de Malo, a. 10.

> ***Dico** 3° : Quamvis peccato veniali ex se debeatur tantum poena temporalis, ut dictum est, attamen non remissum quoad culpam in hac vita, et mortali conjunctum, per accidens punitur in inferno poena aeterna[1]. Ita cum Authore censent S. Bonavent., Richardus, Abulens. et alii plures tam antiqui quam recentiores, contra Scotum et Scotistas.*
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> *1 Ibid., a. 5, ad 3 ; in II Sentent., dist. 33, q. 2, a. 1, ad 2 Suppl., q. 69, a. 7 ; q. 7 de Malo, a. 10.*

29 *Proof* For punishment is not remitted while the guilt of punishment remains; otherwise the guilty would not suffer punishment, which is against justice. But in the damned there always remains the guilt of punishment due to venial sin unremitted in this life as to fault. Therefore punishment always remains. — *Proof* of the minor. As long as fault remains, remains the guilt of punishment due to the fault. But venial fault here unremitted will never be remitted in hell. Therefore. — *Proof* of the minor manifoldly : 1° because the damned are simply in termino; but to him who exists simply in termino remission of no fault is given. I said, simply in termino, to forestall the instance which might be made of souls in Purgatory, which are not simply, but secundum quid, in termino. 2° Venial fault is never remitted except through voluntary and condign retraction made by him who sinned; which voluntary and condign retraction cannot occur without act of charity and penance, of which the damned are not capable, being obstinate in evil. 3° No fault can be remitted except through application of the merits of Christ; for every remission of sin is an effect of the merits of Christ. But no application of the merits of Christ is made to the damned, since they are not his members, as the Author teaches 3a p., q. 8, a. 3, c., nor did he die for them existing in this state, as I said in the first part. And therefore the common sense of the faithful and of the Church is, that in hell there is no redemption. Therefore.

> Prob. *Nam quam poena remittitur manente reatu poenae, alioquin reus poenam non pateretur, quod est contra justitiam. Atqui in damnatis semper manet reatus poenae debitae peccato veniali non remisso in hac vita quoad culpam. Ergo semper remanet poena.* — Prob. *min. Quamdiu manet culpa, manet reatus poenae debitae culpae. Atqui culpa venialis hic non remissa, nunquam in inferno remittetur. Ergo.* — Prob. *min. multipliciter : 1° quia damnati sunt simpliciter in termino, existenti autem simpliciter in termino nullius culpae datur remissio. Dixi, simpliciter in termino, ut praevenirem instantiam quae posset fieri de animabus in Purgatorio, quae non sunt simpliciter, sed secundum quid in termino. 2° Nunquam culpa venialis remittitur, nisi per voluntariam et condignam retractationem factam ab illo qui peccavit ; quae voluntaria et condigna retractatio fieri non potest sine actu charitatis et poenitentia, cujus non sunt capaces damnati, utpote obstinati in malo. 3° Nulla culpa potest remitti, nisi per applicationem meritorum Christi; omnis enim peccati remissio est effectus meritorum Christi. Atqui damnatis nulla fit applicatio meritorum Christi, cum non sint ejus membra, ut docet Author 3a p., q. 8, a. 3, o, nec pro illis in hoc statu existentibus mortuus sit, ut dixi in prima parte. Et ideo sensus communis fidelium et Ecclesiae est, quod in inferno nulla sit redemptio. Ergo.*

30 **I say** 4° : Mortal or venial sin dismissed in this life as to fault will probably not be punished in the damned with eternal punishment.

> ***Dico** 4° : Peccatum mortale aut veniale dimissum in hac vita quoad culpam, probabilius non punietur in damnatis poena aeterna.*

31 I confess that St. Thomas in IV Sentent., dist. 21, q. 1, a. 2, quaestiunc. 3, holds the contrary opinion; but in the following distinction 22, q. 1, a. 1, ad 5, the matter more attentively examined, he abandons that opinion and embraces ours. For after saying that some hold that mortal sin dismissed as to fault will be punished eternally in hell, like venial sin not dismissed — which is the opinion he had held in the preceding distinction — he subjoins : « But this seems not alike, because venial [unremitted] will be punished eternally in hell for this reason, that it always remains, since there is not there anything that can blot out the fault; but the punishment, from the fact that it is paid, is expiated. And therefore others say that the punishment of which someone is debtor after fault dismissed will be punished temporally in hell. Nor is it incongruous that as regards something accidental the punishment of hell be diminished until the day of judgment, even as it is also increased. » Which words the holy Doctor not only asserts our conclusion, but proves it and solves the arguments to the contrary.

> *Fateor S. Thomam in IV Sentent., dist. 21, q. 1, a. 2, quaestiunc. 3, contrariam sententiam tenere; sed sequenti distinctione 22, q. 1, a. 1, ad 5, re attentius examinata, hanc sententiam deserit et nostram amplexetur. Postquam enim dixit, quosdam tenere quod peccatum mortale dimissum quoad culpam punietur in inferno aeternaliter, sicut peccatum veniale non dimissum, quae est sententia quam distinctione praecedenti tenuerat, subjungit : « Sed hoc non videtur simile, quia veniale [non dimissum] ideo in inferno aeternaliter punietur, quia semper manet, cum non sit ibi aliquid quod culpam delere possit; sed poena ex hoc quod solvitur, expiatur. Et ideo alii dicunt quod poena cujus aliquis est debitor post culpam remissam, in inferno punietur temporaliter. Nec est inconveniens quod quantum ad aliquid accidentale poena inferni diminuatur, usque ad diem judicii, sicut etiam augetur. » Quibus verbis S. Doctor nedum conclusionem nostram asserit, sed probat et argumenta in contrarium solvit.*

On the Punishment Due to Original Sin

1 **§ I**

> *§ I*

2 **Whether infants dying with original sin alone suffer the pain of sense?**

> ***Utrum parvuli morientes cum solo originali peccato patiantur poenam sensus?***

3 *I suppose* as certain of faith that infants dying with original sin suffer the pain of loss, because no one can attain eternal life, which is seated in the clear vision of God, without grace, which infants dying without baptism lack. Whence that, *Joann.*, III, 5: Unless one be born again of water and the Holy Spirit, he cannot enter into the kingdom of God. And it was defined by the Council of Trent, sess. V, can. 4. But as to the pain of sense, concerning which is the dispute,

> Suppono *tamquam certum de fide, parvulos morientes cum peccato originali pati poenam damni, quia nemo potest consequi vitam aeternam, quae sita est in clara Dei visione, sine gratia, qua carent parvuli morientes sine baptismo. Unde illud* Joann., *III, 5 : Nisi quis renatus fuerit ex aqua et Spiritu sancto, non potest introire in regnum Dei. Et definivit concil. Trid., sess. V, can. 4. Quantum autem ad poenam sensus, de qua lis est,*

4 **I say**: Infants dying with original sin itself do not suffer the pain of sense [1].

1 3a p., q. 1, a. 4, ad 2 ; in II Sentent., dist. 33, q. 2, a. 1 ; q. 5 de Malo, a. 2 et 3.

> ***Dico** : Parvuli morientes cum ipso originali peccato non patiuntur poenam sensus*[1].
>
> [1] *3a p., q. 1, a. 4, ad 2 ; in II Sentent., dist. 33, q. 2, a. 1 ; q. 5 de Malo, a. 2 et 3.*

5 It is proved 1° from the Fathers. Greg. Nazianz., whose authority was so great, Augustine testifying, that he was held the mouth of the Church, orat. XL in lavacrum, distinguishes three kinds of men departing without baptism, of which some contemned baptism, others omitted it by their own negligence, others, namely infants, lacked it through the negligence of others; and concerning the punishment after death of all these he pronounces thus: « I judge that it will be that the first indeed, together with the crimes of others, shall also pay punishments for the contempt of baptism; but the others shall hang punishments indeed, yet lighter, as those who have erred from baptism not so much by perversity of soul as by folly; finally the last, let them be neither visited with heavenly glory nor with punishments by the just judge, seeing that, although they were not signed with baptism, they nevertheless lack wickedness, and have rather suffered than done this loss. For not everyone who is unworthy of punishment straightway merits honor also: even as not everyone who is unworthy of honor straightway merits punishment. »

> Probatur *1° ex Patribus. Greg. Nazianz., cujus tanta fuit authoritas, teste Augustino, ut os Ecclesiae haberetur, orat. XL in lavacrum, distinguit tria genera hominum sine baptismo decedentium, quorum alii baptismum contempserunt, alii propria negligentia omiserunt, alii, scilicet infantes, negligentia aliorum caruerunt, et de eorum omnium poena post mortem sic pronuntiat : « Existimo futurum ut primi quidem, cum aliorum scelerum, tum etiam baptismi contempti poenas luant; alii autem poenas quidem, sed leviores pendant, ut qui non tam animi pravitate quam stultitia a baptismo aberrarint; postremi denique, non coelesti gloria, nec suppliciis a justo judice afficiantur, utpote qui, licet baptismo consignati non fuerint, improbitate tamen careant, atque hanc jacturam passi potius fuerint quam fecerint. Neque enim quisquis supplicio dignus non est, protinus honorem quoque meretur : quemadmodum nec quisquis honore indignus est, statim etiam poenam promeretur. »*

6 But this testimony is so open that it cannot be eluded by any tergiversation.

> *Hoc autem testimonium ita est apertum, ut nulla tergiversatione possit eludi.*

7 Next Greg. Nyss., in the oration on infants taken away by immature death: « The immature death of infants, he says, shows that those who thus ceased to live will be neither in pains and sadness. »

> *Alter Greg. Nyssen., in orat. de infantibus immatura morte sublatis : « Immatura mors infantium, inquit, demonstrat neque in doloribus et moestitia futuros esse eos qui sic vivere desierunt. »*

8 It is proved 2° by reason. Punishment ought to be proportionate and due to fault; this is per se known. Whence that, *Isa.*, XXVII, 8: In measure against measure: when it shall be cast off, you shall judge it. But the pain of sense is not proportionate nor due to original fault. Therefore.

> Probatur *2° ratione. Poena debet esse proportionata et debita culpae ; id per se notum est. Unde illud* Isa*., XXVII, 8 : In mensura contra mensuram : cum abjecta fuerit, judicabis eam. Atqui poena sensus non est proportionata nec debita culpae originali. Ergo.*

9 *Proof of minor*, in which lies the difficulty, in several ways: 1° Original sin is not through the will of the person, but through the will of nature [1]. Therefore it ought to be punished with the punishment of nature, and not the punishment of person. — *I subjoin.* But the pain of sense happens through the proper passion of the person; the pain of loss truly is the punishment of nature, and although in the person, is nevertheless not by reason of the person or supposit, but by reason of nature, which is found deprived of grace or original justice, without which the vision of God is not due to them, as a good not owed to the principles of nature. Therefore.

[1] In II Sentent., dist. 33, q. 2, a. 1.

> Prob. *min., in qua est difficultas, multipliciter : 1° Peccatum originale non est per voluntatem personae, sed per voluntatem naturae*[1]*. Ergo debet puniri poena naturae, et non poena personae.* — Subsumo. *Atqui poena sensus contingit per passionem propriam personae, poena vero damni est poena naturae, et quamvis in persona, non est tamen ratione personae aut suppositi, sed ratione naturae, quae invenitur privata gratia seu justitia originali, sine qua ipsi non debetur visio Dei, utpote bonum indebitum principiis naturae. Ergo.*
>
> [1] *In II Sentent., dist. 33, q. 2, a. 1.*

[10] *Proof* 2° of the same minor. The pain of sense is never due to habitual disposition [2] ; for anyone is not punished, whether by God or by men, because he is apt to steal, but because he actually steals. But to habitual privation without every act some damage is due; put the case of one who has not the knowledge of letters, who by this very fact is unworthy of promotion to episcopal dignity. But in the infant there is habitual privation, namely of grace and original justice. Likewise there is only habitual disposition, without every act, namely concupiscence, which makes the infant apt to concupiscence, as Augustine says, while the adult concupisces actually. Therefore to an infant dying with original sin the pain of sense is not proportionate nor due, but only the pain of loss, because evidently he is not fit to be led to the divine vision, on account of privation of original justice.

[2] Q. 5 de Malo, a. 2.

> Prob. *2º eadem min. Poena sensus nunquam debetur habituali dispositioni*[2] *; non enim aliquis punitur sive a Deo, sive ab hominibus, ex hoc quod sit habilis ad furandum, sed ex hoc quod actu furetur. Habituali autem privationi absque omni actu debetur aliquod damnum ; puta qui non habet scientiam litterarum, ex hoc ipso indignus est promotione ad episcopalem dignitatem. Atqui in parvulo est privatio habitualis, scilicet gratiae et justitiae originalis. Item est dispositio habitualis tantum, sine omni actu, nempe concupiscentia quae parvulum facit habilem ad concupiscendum, ut Aug. dicit, adultum autem actu concupiscentem. Ergo parvulo defuncto cum originali non est proportionata nec debita poena sensus, sed solum poena damni, quia videlicet non est idoneus perduci ad visionem divinam, propter privationem originalis justitiae.*
>
> [2] *Q. 5 de Malo, a. 2.*

[11] It is proved 3° of the same minor. The Church in imposing punishments and satisfactions imitates the order and mode of divine justice punishing sins. But the Church imposes no sensible punishment or satisfaction for original sin, nor commands adults who receive baptism to conceive sorrow or sadness about it. Therefore she judges that no sensible punishment is due to this sin or answering to it in the future world.

> Probatur *3° eadem min. Ecclesia in imponendis poenis et satisfactionibus imitatur ordinem et modum divinae justitiae peccata punientis. Atqui Ecclesia nullam imponit poenam aut satisfactionem sensibilem pro peccato originali, nec jubet adultos qui baptismum suscipiunt concipere de illo dolorem aut tristitiam. Ergo censet nullam huic peccato deberi aut respondere poenam sensibilem in futuro saeculo.*

[12] The conclusion is proved from inconveniences. Since the pain of sense is eternal and most bitter, and children enduring it would be destitute of grace, it could not fail to generate in them grave motions of impatience, anger, despair, hatred and blasphemy against God. But this can neither be admitted nor ought to be admitted in those infants, and it is condemned in Baius, proposition 49 [1]. Therefore.

[1] This proposition is: « And from the dominant habitual will it comes about that an infant dying without the sacrament of regeneration, when he shall have attained the use of reason, will actually hate God, blaspheme God and resist the law of God. »

> Probatur *conclusio ab inconvenientibus. Cum poena sensus sit aeterna et acerbissima, atque pueri qui illam paterentur essent destituti gratia, non posset non generare in illis graves motus impatientiae, irae, desperationis, odii et blasphemiae in Deum. Atqui id admitti non potest nec debet in istis parvulis, estque damnatum in Baio, propositione 49*[1]*. Ergo.*
>
> [1] *Propositio haec est : « Et ex habituali voluntate dominante fit ut parvulus decedens sine regenerationis sacramento, quando usum rationis consecutus erit, actualiter Deum odio habeat, Deum blasphemet et legi Dei repugnet. »*

[13] Nor say that the same follows from the pain of loss. For *we shall prove* below that children will perceive no pain or sadness from it. Nor does it avail should you say that not all who are afflicted by miseries and afflictions are carried away by motions of impatience, anger, despair, hatred and blasphemy against God. That indeed is true in this life, where miseries, compared with the miseries of the other life, scarcely merit the name of miseries, and those afflicted with them are helped by helps of grace to bear them patiently; which does not happen in hell.

> *Neque dicas, idem sequi ex poena damni.* Probabimus *enim infra, pueros nullum ex ea dolorem tristitiamve percepturos. Non valet etiamsi dicas, non omnes qui miseriis et afflictionibus afficiuntur, motibus impatientiae, irae, desperationis, odii et blasphemiae in Deum efferri. Id quidem verum est in hac vita, ubi miseriae, comparatae miseriis alterius vitae, vix miseriae nomen merentur, et qui iis affliguntur gratiae auxiliis adjuvantur ad eas patienter tolerandas; quod non contingit in inferno.*

[14] The objections are solved.

> Solvuntur *objectiones.*

[15] *Obj.* 1°: *Matth.*, XXV, 41, at the last judgment it will be said to all who will be on the left: Depart into everlasting fire. But infants will be on the left. For there will be only two orders of the judged, of which some will be placed on the right, others on the left. Infants will not be on the right. Therefore on the left.

> Obj. *1° :* Matth.*, XXV, 41, in extremo judicio dicetur omnibus qui erunt in sinistra : Discedite in ignem aeternum. Atqui parvuli erunt in sinistra. Duo enim tantum erunt ordines judicandorum, quorum alii ad dexteram, alii ad sinistram collocabuntur. Parvuli non erunt ad dexteram. Ergo ad sinistram.*

[16] *I answer.* There are three expositions of this celebrated text, upon which the adverse opinion chiefly relies, which I leave to the judgment of the reader, that he may choose that one which will seem more probable to himself.

> Resp. *hujus celebris textus, cui maxime confidit adversa sententia, tres esse expositiones quas lectoris judicio permitto, ut eam qua ipsi probabilior videbitur eligat.*

[17] 1° *I distinguish* the major. At the last judgment it will be said to all adults who will be on the left: Go into everlasting fire — I concede; to absolutely all — I deny. Therefore there is not described in that place the form of judgment to be observed respectively toward absolutely all, but only the form of the discussion of judgment to be observed respectively toward adults who have reason: I was hungry, and you gave me to eat, etc. I thirsted, and you gave, etc. Under which are understood all personal works good and evil. For these suit adults alone, by no means infants. If thence you infer: Therefore neither

do these words: *Come blessed*, etc., regard baptized infants — I concede. Yet it does not thence follow that they are not to be called into the kingdom by another sentence, just as the unbaptized are not to be excluded by another sentence. And although Aug., *serm.* 294, cap. 3, n° 3, understands this text also of infants, as I shall say below, nevertheless lib. *de octo Quaestionibus Dulcitii*, q. 1, he understands it of adults only [1].

[1] Formerly, de verbis Apostoli, 14.

> *1º* Dist. *maj. In extremo judicio dicetur omnibus adultis qui erunt ad sinistram : Ite in ignem aeternum,* conc.*; omnibus omnino,* nego. *Itaque non describitur eo loci forma judicii servanda respective ad omnes omnino, sed tantum judicii discussionis servanda respective ad adultos qui habent rationem : Esurivi, et dedistis mihi manducare, etc. Sitivi, et dedistis, etc. Sub quo intelliguntur omnia opera personalia bona et mala. Haec enim solis adultis, nullatenus parvulis conveniunt. Si inde inferas: Ergo nec ista verba :* Venite benedicti*, etc. respiciunt parvulos baptizatos, concedo. Neque tamen inde sequitur eos non esse vocandos in regnum per aliam sententiam, sicut non baptizatos non esse excludendos per aliam sententiam. Et quamvis Aug.,* serm. *294, cap. 3, n° 3, intelligat hunc textum etiam de parvulis, ut dicam infra, attamen lib.* de octo Quaestionibus Dulcitii*, q. 1, intelligit de adultis tantum*[1].
>
> [1] *Olim, de verbis Apostoli, 14.*

18 2° Suppose this place of Matth. to be understood also of infants: under the name of fire (whose bitterness in punishments is supreme) all the pains of hell are comprehended, which for their deserts are of the greatest variety, just as under the name of kingdom, in the prior opinion, is comprehended all the variety of joys in the heavenly kingdom; although, as there the clear vision of God will be common to all, so to all the damned will be common the privation of the divine vision. So Estius on this place, according to which interpretation, under the name of fire is understood indeed the very pain and combustion of fire, but it is not alone, but also other pains, put the privation of vision of God, the remorse of conscience, binding, incarceration, stench, etc.; otherwise, resting precisely in the words, the damned would undergo only the pain of loss and of fire, and no other. It seems certain therefore that Christ under the name of fire comprehended all the pains of hell, not all to be inflicted on all, but fittingly and proportionately to each according to the exigency of his deserts, this to one, that to another.

> *2° Esto hunc locum Matth. esse intelligendum etiam de parvulis : nomine ignis (cujus in poenis summa est acerbitas) omnes poenas inferni, quarum pro meritis maxima est varietas, comprehenduntur, sicut nomine regni, in priori sententia, comprehenditur omnis gaudiorum varietas in regno coelesti ; quamquam, sicut ibi communis erit omnibus clara Dei visio, sic damnatis omnibus erit communis divinae visionis privatio. Ita Estius in hunc locum, juxta quam interpretationem, nomine ignis intelligitur quidem ipsa poena et combustio ignis, at non est sola, sed etiam aliae poenae, puta privationis visionis Dei, remorsus conscientiae, alligationis, incarcerationis, fotoris, etc.; alioquin, sistendo praecise in verbis, damnati solam poenam damni et ignis, et nullam aliam subirent. Certum ergo videtur Christum sub nomine ignis comprehendisse omnes inferni poenas, non omnibus omnes infligendas, sed accommodate et proportionate unicuique juxta meritorum exigentiam, hanc illi, istam alteri.*

19 3° Under the name of fire can be understood, not the punishment of fire specifically, nor any other determinate punishment, but whatsoever punishment in genus and indeterminately. That is frequent enough in the Scriptures. Thus *Psal.*, IXV, 12: *We have passed through fire and water*. Ibidem, 10: *Thou hast proved us by fire, as silver is proved*. *Deut.*, IV, 20: *The Lord brought you out of the iron furnace of Egypt*; in which places by fire is understood whatsoever tribulation. And *Josue*, VII, 15, when the Lord had decreed Achan to be burned with fire, Josue understood stoning, ibid., 25.

3° Nomine ignis potest intelligi, non poena ignis specificae, neque aliqua alia poena determinate, sed quaecumque poena in genere et indeterminate. Id sat frequens est in Scripturis. Sic Psal.*, IXV, 12 :* Transivimus per ignem et aquam. *Ibidem, 10 :* Igne nos examinasti, sicut examinatur argentum. Deut.*, IV, 20 :* Vos Dominus eduxit de fornace ferrea Aegypti*; in quibus locis per ignem intelligitur quaecumque tribulatio. Et* Josue*, VII, 15, cum Dominus jus sisset Achan igne comburi per ignem, Josue intellexit lapidationem, ibid., 25.*

20 **Obj. 2° from Aug. the holy Doctor**, *serm.* 294 [1], c. 3, n. 3: « The Lord, he says, about to come and to judge the living and the dead, as the Gospel speaks, will make two parts, right and left; to the left he will say: *Go into everlasting fire prepared for the devil and his angels*; to the right he will say: *Come, blessed of my Father, possess the kingdom prepared for you from the beginning of the world.* This he calls kingdom, that damnation with the devil. No middle place is left where you may place infants. Of the living and the dead judgment will be: some will be on the right, others on the left; I know no other. You who introduce a middle, depart from the middle; let him not offend you who seeks the right hand. And I admonish yourself, depart from the middle, but do not go to the left. » Idem *Enchirid.*, c. 26 ; lib. I *de Peccat. meritis*, c. 26, and in answer to the words of St. Thomas, q. 5 *de Malo*, a. 2, ad 1: « It must be said, he says, that under the name of torment, torture, gehenna and cruciatus, or if anything similar be found in the sayings of the saints, is to be largely accepted for punishment, so that species is put for genus. But the saints used such a manner of speaking that they might render detestable the error of the Pelagians, who asserted that in infants there is no sin, nor is any punishment due to them. » In the same manner the sayings of Augustine and of the holy Fathers are interpreted by St. Bonaventure, Scotus, Dionysius Carthusianus, and others.

1 Formerly, de verbis Apostoli, 14.

Obj. 2° ex Aug. S. Doctor, serm. *294[1], c. 3, n. 3 : « Venturus Dominus, inquit, et judicaturus de vivis et mortuis, sicut Evangelium loquitur, duas partes facturus est, dexteram et sinistram, sinistris dicturus:* Ite in ignem aeternum qui paratus est diabolo et angelis ejus*; dextris dicturus :* Venite, benedicti Patris mei, percipite regnum quod vobis paratum est ab origine mundi. *Hac regnum nominat, hanc cum diabolo damnationem. Nullus relictus est medius locus, ubi ponere queas infantes. De vivis et mortuis judicabitur : alii erunt ad dexteram, alii ad sinistram; non novi aliud. Qui inducis medium, recede de medio; non te offendat qui dexteram quaerit. Et teipsum admoneo, recede de medio, sed noli in sinistram. » Idem* Enchirid.*, c. 26 ; lib. I* de Peccat. meritis*, c. 26, et Resp. verbis S. Thomae, q. 5* de Malo*, a. 2, ad 1 : « Dicendum, inquit, quod nomine tormenti, supplicii, gehennae et cruciatus, vel si quid simile in dictis sanctorum invenitur, est large accipiendum pro poena, ut ponatur species pro genere. Ideo autem sancti tali modo loquendi usi sunt, ut detestabilem redderent errorem Pelagianorum, qui asserebant in parvulis nullum peccatum esse, nec eis aliquam poenam deberi. » Eodem modo dicta Augustini et SS. Patrum interpretantur S. Bonaventura, Scotus, Dionysius Carthusianus, et alii.*

1 Olim, de verbis Apostoli, 14.

21 **§ II. — Whether infants dying with original sin alone perceive any sadness or pain from the privation of the beatific vision?**

§ II. — Utrum parvuli morientes cum solo originali peccato aliquam tristitiam vel dolorem percipiant ex privatione visionis beatificae ?

22 **I say**: Infants dying with original sin alone perceive no sadness and no pain from the privation of the beatific vision; they are however not blessed with natural beatitude [1].

1 Q. 5 de Malo, a. 3 ; in II Sentent., dist. 33, q. 2, a. 2.

***Dico** : Parvuli morientes cum solo originali peccato, nullam tristitiam nullumve dolorem percipiunt ex privatione visionis beatificae ; non sunt tamen beati beatitudine naturali*[1].

[1] *Q. 5 de Malo, a. 3 ; in II Sentent., dist. 33, q. 2, a. 2.*

23 St. Thomas proves the first part of the conclusion with a twofold medium. The first is, quaest. 5 cit.: because infants do not know supernatural beatitude. The second, dist. cit.: because, granted that they recognize supernatural beatitude, it nevertheless would not be intrinsically proportionate to them.

S. Thomas probat primam conclusionis partem duplici medio. Primum est, quaest. 5 cit., quia parvuli non cognoscunt beatitudinem supernaturalem. Secundum, dist. cit., quia, dato quod agnoscant beatitudinem supernaturalem, haec tamen non erat ipsis ex intrinsecis proportionata.

24 The first reason is proposed thus [2] : No one grieves over the loss of a good which he does not know; for of the unknown there is no desire. But infants dying with original sin do not know supernatural beatitude, namely the clear vision of God of which they are deprived; because they had not, nor have faith. Therefore.

[2] Q. 5 cit.

Prima ratio sic proponitur[2] *: Nemo tristatur de amissione boni quod non cognoscit; ignoti enim nulla cupido. Atqui parvuli morientes cum peccato originali, non cognoscunt beatitudinem supernaturalem, scilicet claram Dei visionem qua privantur; quia non habuerunt, nec habent fidem. Ergo.*

[2] *Q. 5 cit.*

25 The second reason of St. Thomas is proposed thus [3]. From the fact that someone lacks what exceeds his proportion, he is not afflicted, if he be of right reason, but only from this that he lacks that to which he is in some way proportioned: thus no wise man is afflicted that he cannot fly like a bird, or that he is not king or emperor, since it is not owed to him; he would however be afflicted if he were deprived of that to hold which he had in some way aptitude. But, although man having the use of free choice is proportioned to obtaining eternal life, inasmuch as by proper acts from grace he can merit it, and therefore, if he fall short of this, greatest will be his pain, because he loses what possibly could have been his own; infants nevertheless were never proportioned to having eternal life: because neither was it owed them from the principles of nature, since it exceeds every faculty of nature, nor could they have proper acts whereby they would obtain so great a good. And besides they are of right reason; for they are oblique by no passion, by no personal sin, but such are they as they were before death, since they are not changed through death; before death moreover they had no disordinate act. Therefore they will grieve nothing at all of that lack of divine vision; yea more they will rejoice in this that they will participate much of the divine goodness and natural perfections.

[3] Dist. cit.

Secunda ratio D. Thomae sic proponitur[3]*. Ex eo quod careat aliquis eo quod suam proportionem excedit, non affligitur, si sit rectae rationis, sed tantum ex hoc quod caret eo ad quod aliquo modo proportionatur : sic nullus sapiens homo affligitur de hoc quod non potest volare sicut avis, vel quod non sit rex aut imperator, cum sibi non sit debitum; affligeretur autem, si privaretur eo ad quod habendum aliquo modo aptitudinem habuit. Atqui, quamvis homo usum liberi arbitrii habens, proportionatus sit ad vitam aeternam consequendam, quatenus per actus proprios ex gratia potest illam mereri, et ideo, si ab hoc deficiat, maximus erit ei dolor, quia amittit illud quod suum esse possibile fuit, parvuli tamen nunquam fuerunt proportionati ad hoc quod vitam aeternam haberent : quia nec eis debebatur ex principiis*

naturae, cum omnem facultatem naturae excedat, nec actus proprios habere potuerunt quibus tantum bonum consequerentur. Et aliunde sunt rectae rationis; nulla enim passione, nullo peccato personali obliquatur, sed talis est qualis fuit ante mortem, cum per mortem non mutetur, ante mortem autem nullum actum inordinatum habuerunt. Ergo nihil omnino dolebunt de ea carentia visionis divinae; imo magis gaudebunt de hoc quod participabunt multum de divina bonitate et perfectionibus naturalibus.

[3] *Dist. cit.*

26 Nor can it be said that they were proportioned to obtaining eternal life [1], if not through their own operation, at least through the action of others about them; because they could be baptized by others, as many children of the same condition baptized attained eternal life. For this belongs to grace superexceeding, that anyone be rewarded without his own act. Whence the defect of such grace causes no more sadness in children dying unbaptized than in wise men this, that many graces are not made to them which were made in other similar ones.

[1] Ibid.

Nec potest dici quod fuerunt proportionati ad vitam aeternam consequendam[1], si non per operationem suam, saltem per actionem aliorum circa eos; quia potuerunt ab aliis baptizari, sicut et multi pueri ejusdem conditionis baptizati vitam aeternam consecuti sunt. Hoc enim est superexcedentis gratiae, ut aliquis sine actu proprio praemietur. Unde defectus talis gratiae non magis tristitiam causat in pueris decedentibus non baptizatis, quam in sapientibus hoc quod eis multa gratiae non fiunt, quae in aliis similibus factae sunt.

[1] *Ibid.*

27 It is confirmed. No reason seems to be why exterior punishment of sense is withdrawn from children if interior affliction is attributed to them, which is much more penal [2].

[2] Ibid. de Malo.

Confirmatur. Nulla ratio videtur esse quare subtrahatur pueris exterior poena sensus, si attribuitur eis interior afflictio, quae est multo magis poenalis[2].

[2] *Ibid. de Malo.*

28 Proof of the second part of the conclusion. Natural beatitude cannot stand with aversion from God as author of nature; for natural beatitude consists in free amicable conversion and union with God as author of nature. But infants, by reason of original sin, are averted from God, even as author of nature. Therefore. — Proof of minor. Adam, by sinning, was averted from God, not only as supernatural author, but even as natural author, because whoever sins against God as supernatural author sins against him as natural author, since the natural law commands obedience to every superior legitimately commanding. But such in children is the habitual aversion, such as was actual in Adam, in whom they sinned. Therefore.

Prob. secunda pars conclusionis. Beatitudo naturalis stare non potest cum aversione a Deo ut authore naturae; consistit enim beatitudo naturalis in libera amicabili conversione ac unione cum Deo ut authore naturae. Atqui parvuli, ratione peccati originalis, sunt aversi a Deo, etiam ut authore natura. Ergo. — Prob. min. Adam, peccando, aversus est a Deo, nedum ut authore supernaturali, sed etiam ut authore naturali, quia quicumque peccat contra Deum ut authorem supernaturalem, peccat contra ipsum ut authorem naturalem, cum lex naturalis praecipiat obedire omni superiori legitime praecipienti. Atqui talis est in pueris aversio habitualis, qualis fuit actualis in Adam, in quo peccaverunt. Ergo.

On Mortal and Venial Sin

Whether there is venial sin distinct from mortal by its own nature?

1 St. Thomas, qq. 88 and 89.

> *D. Thomas, qq. 88 et 89.*

2 Mortal sin is called that which brings death to the soul, depriving it of grace, and it is worthy of eternal punishment. Venial sin, strictly taken, is called that which does not exclude from the subject the principle of pardon, which is grace.

> *Peccatum mortale dicitur quod mortem animae adfert, privando eam gratia, et est aeternae poenae dignum. Peccatum veniale stricte sumptum dicitur quod non excludit a subjecto principium veniae, quod est gratia.*

3 The heretics of later times, Wiclef, Luther, Melancthon, Calvin, etc., taught that all sins are mortal by their nature and are of themselves onto death of the soul and eternal punishment; but in fact do not inflict these upon the predestined and the faithful, from the mercy of God; and thus venial sin is not distinguished from mortal sin by its nature, but either from a law or mercy enacted by God, or from the condition of the sinning person.

> *Haeretici posteriorum temporum, Wicleffus, Lutherus, Melancthon, Calvinus, etc., docuerunt omnia peccata ex natura sua esse mortalia et esse ex se mortis animae et poenae aeternae illativa; de facto autem non inferre praedestinatis et fidelibus, ex Dei misericordia, sicque veniale non distingui a mortali ex natura sua, sed vel ex statuta a Deo lege seu misericordia, vel ex conditione personae peccantis.*

4 **I say**: There are given venial sins distinct from mortals by their own nature, not only from the condition of the sinner or from the mercy of God[1].

1 Here q. 88, a. 1 and 2, c.

> ***Dico** : Dantur peccata venialia, non solum ex conditione peccantis aut ex Dei misericordia, sed ex natura sua a mortalibus distincta*[1].
>
> [1] *Hic q. 88, a. 1 et 2, c.*

5 It is proved 1° from Scripture. In various places of Scripture, some sins, without any respect to persons, are compared to most light things, others to most grave things: thus *Matth.*, XXIII, 24, some are compared to a gnat, others to a camel; *Luc.*, VI, 41, some to a mote, others to a beam; *I Cor.*, III, 12, some to hay and stubble built upon the foundation which is Christ. But, if all sins were of themselves mortal, some would be ill compared to those minute things, while others are compared to most grave things; for that ought not to be called minute and light which inflicts of itself death of the soul and eternal hell. Therefore, as neither can a mote of itself blind, nor a gnat suffocate, nor hay or straw overthrow the foundation; so neither do sins compared to those minute things kill by their nature, and constitute the guilty one in eternal death.

> *Probatur 1° ex Scriptura. In variis Scripturae locis, quaedam peccata, sine ullo respectu ad personas, comparantur rebus levissimis, quaedam gravissimis : sic* Matth.*, XXIII, 24, quaedam comparantur culici, quaedam camelo;* Luc.*, VI, 41, quaedam festucae, quaedam trabi;* I Cor.*, III, 12, quaedam foeno et stipulae superedificatis fundamento quod est Christus. Atqui, si omnia peccata ex se essent mortalia, quaedam male compararentur istis rebus minutis, dum alia comparantur rebus gravissimis; non enim minutum et leve dici debet quod mortem animae et gehennam aeternam ex se*

infert. Sicut ergo nec festuca ex se excaecare potest, nec culex suffocare, nec foenum aut palea fundamentum evertere; ita nec peccata istis rebus minutis comparata ex natura sua occidunt, et aeterna morte reum constituunt.

6 It is proved 2°. The council of Trent defined the same truth session VI, chapter 11, canons 7, 23 and 25, and session XIV, chapter 5: read[1]. And finally the Sovereign Pontiffs St. Pius V and Greg. XIII condemned this proposition: « There is no sin venial by its nature, but every sin merits eternal punishment. » It is the 20th among the Baianists.

1 Sess. VI, cap. 11: « Although in this mortal life however holy and just men may be, they sometimes fall into at least light and daily sins, which are also called venial, they do not therefore cease to be just. » — Can. 7: « If anyone shall say that all works done before justification, in whatever manner they are done, are truly sins, or merit the hatred of God...; let him be anathema. » — Can. 23: « If anyone shall say that a man once justified can sin no more, nor lose grace, and therefore that he who falls and sins was never truly justified, or, on the contrary, that he can avoid during his whole life all sins, even venial ones, except by a special privilege of God, as the Church holds concerning blessed Virgin ; let him be anathema. » — Can. 25: « If anyone shall say that in every good work the just man sins at least venially, or, what is more intolerable, mortally, and therefore merits eternal punishments, and that only on this account he is not damned, because God does not impute those works to damnation ; let him be anathema. » — Sess. XIV, cap. 5: « From these things it is gathered that penitents must recount in confession all mortal sins of which, after diligent examination of themselves, they have knowledge, even if those sins be most hidden and committed only against the two last precepts of the Decalogue, which sometimes wound the soul more gravely and are more dangerous than those which are committed openly ; for venial sins, whereby we are not excluded from the grace of God and into which we fall more frequently, although rightly and usefully and without all presumption they may be said in confession, as the practice of pious men demonstrates, can nevertheless be passed over without fault, and be expiated by many other remedies. »

Probatur 2°. Concilium Trident. eamdem veritatem definivit sess. VI, cap. 11, can. 7, 23 et 25, et sess. XIV, cap. 5 : lege[1]. Et tandem SS. Pontifices S. Pius V et Greg. XIII damnarunt hanc propositionem : « Nullum est peccatum natura sua veniale, sed omne peccatum meretur poenam aeternam. » Est 20a inter Baïanas.

1 Sess. VI, cap. 11 : « Licet enim in hac mortali vita quantumvis sancti et justi in levia saltem et quotidiana, quae etiam venialia dicuntur, peccata quandoque cadant, non propterea desinunt esse justi. » — Can. 7 : « Si quis dixerit, opera omnia quae ante justificationem fiunt, quacumque ratione facta sint, vere esse peccata, vel odium Dei mereri...; anathema sit. » — Can. 23 : « Si quis hominem semel justificatum dixerit amplius peccare non posse, neque gratiam amittere, atque ideo eum qui labitur et peccat nunquam vere fuisse justificatum, aut contra posse in tota vita peccata omnia, etiam venialia, vitare, nisi ex speciali Dei privilegio, quemadmodum de beata Virgine tenet Ecclesia ; anathema sit. » — Can. 25 : « Si quis in quolibet bono opere justum saltem venialiter peccare dixerit, aut, quod intolerabilius est, mortaliter, atque ideo poenas aeternas mereri, tantumque ob id non damnari, quia Deus ea opera non imputet ad damnationem; anathema sit. » — Sess. XIV, cap. 5 : « Ex his colligitur, oportere a poenitentibus omnia peccata mortalia, quorum post diligentem sui discussionem conscientiam habent, in confessione recenseri, etiam si occultissima illa sint et tantum adversus duo ultima Decalogi praecepta commissa, quae nonnunquam animam gravius sauciant et periculosiora sunt iis quae in manifesto admittuntur ; nam venialia, quibus a gratia Dei non excludimur et in qua frequentius labimur, quamquam recte et utiliter citraque omnem praesumptionem in confessione dicantur, quod piorum hominum usus demonstrat, taceri tamen citra culpam, multisque aliis remediis expiari possunt. »

7 It is proved by a manifold reason. The first is founded in Scripture. According to Scripture, God does not impute nor punish sins otherwise than they deserve of themselves, as is clear from that *Psal.*, LXI, 13: For thou wilt render to every man according to his works. And *II Cor.*, V, 10: That every one may receive the proper things of the body, according as he hath done. Therefore, if there are sins which God does not punish with eternal punishment, they do not merit it of themselves.

Probatur ratione multiplici. Prima est fundata in Scriptura. Juxta Scripturam, Deus non imputat nec punit peccata aliter quam ex se mereantur, ut patet ex illo Psal.*, LXI, 13 :* Quia tu reddes unicuique juxta opera sua. *Et* II Cor.*, V, 10 :* Ut referat unusquisque propria corporis, prout gessit. *Ergo, si sint peccata quae non punit Deus poena aeterna, eam ex se non merentur.*

8 The second. Sin is a certain infirmity of the soul, according to that *Psal.*, VI, 3: Have mercy on me, O Lord, for I am weak. Therefore, as there are certain infirmities of the body mortal of themselves, others not, so also infirmities of the soul.

> *Secunda. Peccatum est quaedam animi infirmitas, juxta illud* Psal., *VI, 3 :* Miserere mei, Domine, quoniam infirmus sum. *Ergo, sicut sunt quaedam infirmitates corporis ex se mortales, quaedam non, ita infirmitates animae.*

9 The third. Among friends there are light offenses which by their nature, and not only from the favor of the friend, do not dissolve friendship. Therefore similarly toward God. Will anyone believe that a just man and friend of God, by the nature of an idle word or superfluous laughter, incurs the hatred of God and liability to eternal gehenna?

> *Tertia. Inter amicos sunt offensae leves, quae ex natura sua, et non solum ex gratia amici, non dissolvunt amicitiam. Ergo similiter erga Deum. Equis credat hominem justum et amicum Dei, ex natura verbi otiosi, aut risus superflui, incurrere odium Dei et aeternae gehennae reatum ?*

10 The fourth, special against the heretics. Adam, David and St. Peter were faithful and predestined. Yet nevertheless certain of their sins were truly mortal, and reckoned and imputed as such, namely the eating of the forbidden fruit in Adam, adultery in David, denial of Christ in St. Peter. Nor indeed do I think anyone denies that Adam, David and St. Peter lost by these sins the friendship of God and incurred liability to eternal punishment, until they were expiated by penance. Of the sin of Adam so understand Ambros., book *de Paradiso*, c. 9, and Aug., book XIII *de Civit.*, c. 12. Of the adultery of David so judges the same Aug., in *Psal.* L. Of the sin of St. Peter similarly understands the same Aug., tract. 66 in *Ioann.*, n. 2, where of St. Peter he says: « He died denying, and rose again weeping. » Therefore venial sins are not distinguished from mortals by the sole condition of the sinner.

> *Quarta, specialis contra haereticos. Adam, David et S. Petrus erant fideles et praedestinati. Atqui tamen quaedam eorum peccata vere fuerunt mortalia, et ut talia reputata et imputata, scilicet esus fructus vetiti ab Adamo, adulterium in Davide, negatio Christi in S. Petro. Neque enim puto quemquam negare Adamum, Davidem et S. Petrum per haec peccata amisisse amicitiam Dei et incurrisse reatum poenae aeternae, donec per poenitentiam expiarentur. De peccato Adae sic intelligunt Ambros., lib.* de Paradiso, *c. 9, et Aug., lib. XIII* de Civit., *c. 12. De adulterio Davidis sic censet idem Aug., in* Psal. *L. De peccato S. Petri similiter intelligit idem Aug., tract. 66 in* Ioann., *n. 2, ubi de S. Petro dicit : « Mortuus est negando, et revixit plorando. » Ergo venialia non distinguuntur a mortalibus ex sola conditione peccantis.*

11 It is confirmed. Dignity of person does not diminish, but augments sin, as St. Thomas proves above q. 73, a. 10, c, and we from him in the same place. Therefore sin is not venial because it is committed by a faithful man or one predestined.

> *Confirmatur. Dignitas personae non minuit, sed auget peccatum, ut probat S. Thomas supra q. 73, a. 10, c, et nos ex ipso ibidem. Ergo peccatum non est ideo veniale, quia committitur a fideli vel praedestinato.*

In what, and how, mortal and venial sin differ from one another?

1 *You will ask* 1° by what formally and primarily mortal sin and venial sin are constituted and differ.

> Petes *1° per quid formaliter et primario peccatum mortale et veniale constituantur et differant.*

2 *I answer.* Mortal sin and venial sin are formally and primarily constituted and differentiated by this, that mortal sin is simply against the law, inasmuch as it is against the end of the law, which it overturns; not so venial sin. But the end of the law is the charity of God and neighbor, *I Tim.*, I, 5; for

all laws aim at this, that we love God with our whole heart, and our neighbor as ourselves. Or, which is the same thing, they formally and primarily differ in that mortal sin turns one away from God as last end, and constitutes the ultimate end in a creature; but venial sin, the order to the last end remaining, makes an inordinateness regarding means. The reason is because, a perfect transgression of the law being posited, or aversion from God as last end, all apprehend mortal sin, and thence follow the exclusion of sanctifying grace and charity, the dissolution of the friendship of God, the death of the soul irreparable of itself, guilt of eternal punishment, and all other things which are attributed to mortal sin and do not befit venial sin.

> Resp. *Peccatum mortale et veniale formaliter et primario constituuntur et differunt per hoc, quod peccatum mortale sit simpliciter contra legem, quatenus est contra finem legis, quem evertit ; non sic veniale. Finis autem legis est charitas Dei et proximi,* I Tim.*, I, 5; eo enim collimant omnes leges, ut Deum diligamus ex toto corde, et proximum sicut nos ipsos. Seu, quod idem est, per hoc formaliter et primario differunt, quod peccatum mortale avertit a Deo ultimo fine, et constituit finem ultimum in creatura; veniale vero, servato ordine finis ultimi, facit inordinationem circa media. Ratio est quia, posita transgressione perfecta legis, vel aversione a Deo ut ultimo fine, omnes apprehendunt peccatum mortale, et inde sequuntur exclusio gratiae sanctificantis et charitatis, dissolutio amicitiae Dei, mors animae de se irreparabilis, reatus poenae aeternae, et caetera omnia quae tribuuntur peccato mortali et peccato veniali non conveniunt.*

3 *You will ask* 2° whether mortal sin and venial sin differ essentially from each other.

> Petes *2° utrum peccatum mortale et veniale essentialiter inter se differant.*

4 *I answer.* Affirmatively. Because the malice of mortal sin, as appears from what has been said, consists in a relation of disproportion to the last end; but the malice of venial sin rests in a relation of disproportion to means not absolutely necessary for the end. But these two relations differ specifically. Therefore.

> Resp. *affirmative. Quia malitia peccati mortalis, ut constat ex dictis, consistit in habitudine improportionis ad ultimum finem; malitia autem peccati venialis sistit in habitudine improportionis ad media fini non absolute necessaria. Atqui hae duae habitudines specie differunt. Ergo.*

5 *You will ask* 3° whether and how mortal sins can be discerned from venial.

> Petes *3° an et quomodo mortalia a venialibus possint discerni.*

6 *I answer.* To wish to define certainly each and every one — this is mortal, this venial — is rash, since it surpasses human industry; and Augustine, the Eagle of Doctors, confesses, book XXI *de Civit.*, last chapter, n. 5, notwithstanding his study[1], that he could not attain to this; and in the *Enchirid.*, c. 78, n. 21, he says it must be weighed rather by divine than by human judgment. Nevertheless concerning some things it can be defined certainly, concerning many probabilistically; wherefore three rules are commonly assigned by theologians, the first from Scripture, the second from tradition, the third from natural reason.

1 There the holy Doctor says: « Which are those very sins that so impede the attainment of the kingdom of God, and yet obtain indulgence through the merits of saintly friends, is most difficult to find out, most perilous to define. I certainly, up to this time, while laboring on this matter, could not arrive at their discovery. And perhaps they lie hidden on this account, lest zeal for progress grow sluggish in avoiding all sins. »

> Resp. *Velle de omnibus et singulis certo definere : hoc est mortale, hoc veniale, temerarium est, cum id humanam superet industriam, et Augustinus, Doctorum Aquila, fateatur, lib. XXI* de Civit.*, cap. ultimo, n. 5, non obstante suo studio[1],*

ad id non potuisse pervenire, et in Enchirid.*, c. 78, n. 21, dicat id pensandum potius judicio divino, quam humano. Attamen de aliquibus certo, de multis probabiliter definiri potest, pro quo a theologis communiter assignantur tres regulae, prima ex Scriptura, secunda ex traditione, tertia ex ratione naturali.*

[1] *Ibi ait S. Doctor : « Quae sint ipsa peccata quae ita impediunt perventionem ad regnum Dei, ut tamen sanctorum amicorum meritis impetrent indulgentiam, difficillimum est invenire, periculosissimum definire. Ego certe, usque ad hoc tempus, cum inde satagerem, ad eorum indaginem pervenire non potui. Et fortassis propterea latent, ne studium proficiendi ad omnia peccata cavenda pigrescat. »*

7 The first rule from Scripture. Sins which in the Scriptures are said to exclude from the kingdom of God, to be abominable, detestable, execrable, worthy of death, or have some other grave malediction attached to them, or to which is said Woe! are mortal; those, however, which are expressed in milder terms are venial. Of the former you have examples in *Levit.*, XXIV, 15-21; *Prov.*, VI, 16-19; *Isa.*, I throughout; *Rom.*, I, 18 seqq.; *I Cor.*, VI, 9 et 10; *Galat.*, V, 19-21; *Ephes.*, V, 3 seqq., and elsewhere; of the latter, *Prov.*, X, 19; *Matth.*, XII, 36 et 37, and elsewhere.

Prima regula ex Scriptura. Peccata quae in Scripturis dicuntur excludere a regno Dei, esse abominabilia, detestanda, exsecranda, morte digna, aut habent adjunctam aliquam aliam gravem maledictionem, vel quibus dicitur voe! sunt mortalia; quae autem remissioribus terminis efferuntur, sunt venialia. Exempla prioris habes Levit.*, XXIV, 15-21 ;* Prov.*, VI, 16-19 ;* Isa.*, I toto;* Rom.*, I, 18 seqq.;* I Cor.*, VI, 9 et 10;* Galat.*, V, 19-21 ;* Ephes.*, V, 3 seqq., et alibi; posterioris,* Prov.*, X, 19 ;* Matth.*, XII, 36 et 37, et alibi.*

8 The second rule from tradition. Those things which from the common sense of the Fathers, bishops and doctors are held in the Church as mortal must be reckoned mortal; those held as venial must be reckoned venial: because it is justly presumed that God does not desert his Church in a matter of such moment, nor permit her to be deceived by common error, to the ruin of souls.

Secunda regula ex traditione. Quae ex communi sensu Patrum, episcoporum et doctorum habentur in Ecclesia pro mortalibus, censenda sunt mortalia; quae pro venialibus, censenda sunt venialia : quia jure praesumitur Deum Ecclesiam suam in re tanti momenti non deserere, neque permittere ut, in animarum perniciem, errore communi decipiatur.

9 The third rule from natural reason. Sins which, according to right reason, gravely injure the charity of God and neighbor are mortal; those which injure it lightly, venial. But to discern whether they injure the charity of God and neighbor gravely or lightly, many things must be considered: 1° the nature of the act, whether it admit or not lightness of matter, of which in the following article;

Tertia regula ex ratione naturali. Peccata quae, secundum rectam rationem, graviter laedunt charitatem Dei et proximi, sunt mortalia; quae leviter, venialia. Ad discernendum vero an graviter vel leviter laedant charitatem Dei et proximi, multa sunt consideranda : 1° natura actus, an admittat vel non levitatem materiae, de quo art. sequenti;

10 2° the gravity or lightness of the matter, both on the part of the object and on the part of the end and circumstances, in those things which admit it; 3° whether the sin be of its genus mortal or not; 4° the tenor of the words of the law, whether it commands severely and under grave penalty; 5° what was the intention of the legislator in this case; 6° whether the sin was committed with perfect or imperfect deliberation, whether from malice, or from weakness or ignorance. But when consent perfectly or imperfectly deliberated must be reckoned so, I will say in the following article.

2° gravitas vel levitas materiae, tam ex parte objecti quam ex parte finis et circumstantiarum, in his quae illam admittunt; 3° an peccatum sit ex genere suo mortale vel non; 4° tenor verborum legis, an severe et sub gravi poena praecipiat; 5° quae fuerit intentio legislatoris in hoc casu; 6° an peccatum sit commissum cum perfecta vel imperfecta

deliberatione, an ex malitia, vel infirmitate aut ignorantia. Quando autem reputandus sit consensus perfecte vel imperfecte deliberatus, dicam art. seq.

Whether venial sin disposes to mortal, and can become mortal, and mortal contrariwise become venial?

1 *Note*. Venial sins are of a threefold kind. 1° Some are venial from genus or from object, as an idle word, immodest laughter. 2° Some are venial from lightness of matter, as slight theft. 3° Some are venial from imperfection of the act which is not fully deliberate, as motions second of first, concerning an object mortally evil.

Nota. *Peccata venialia sunt triplex generis. 1° Quaedam sunt venialia ex genere seu ex objecto, ut verbum otiosum, risus immodestus. 2° Quaedam sunt venialia ex levitate materiae, ut furtum leve. 3° Quaedam sunt venialia ex imperfectione actus qui non est plene deliberatus, ut motus secundo primi circa objectum mortaliter malum.*

2 **I say** 1°: Venial sin from genus disposes indirectly to mortal from genus, not directly; but to mortal on the part of the agent it disposes directly [1].

1 Here q. 88, a. 3, c.

***Dico** 1° : Peccatum veniale ex genere, disponit indirecte ad mortale ex genere, non directe; ad mortale autem ex parte agentis, disponit directe*[1].

[1] *Hic q. 88, a. 3, c.*

3 The first part is proved. 1° From that *Eccli.*, XIX, 1 : *He that despiseth small things shall fall by little and little* [2]. 2° Indirect disposition is by way of one removing and preventing. But venial sin from genus diminishes the subjection of the will under God and the fervor of charity, and at the same time places an obstacle to divine helps, whereby man is contained and preserved from mortal sin. Therefore.

2 Ibid., in arg. Sed contra.

Probatur prima pars. 1° Ex illo Eccli., *XIX, 1 :* Qui spernit modica, paulatim decidet[2]. *2° Dispositio indirecta est per modum removentis prohibens. Atqui peccatum veniale ex genere minuit subjectionem voluntatis sub Deo et fervorem charitatis, ponitque simul obstaculum divinis auxiliis, quibus omnibus homo continetur et praeservatur a peccato mortali. Ergo.*

[2] *Ibid., in arg. Sed contra.*

4 The second part is proved. Direct disposition is toward the form of the same species, or is per se subordinated to it. But venial sin from genus is of different species from mortal sin from genus, nor is it per se subordinated to it, as is evident, e.g., in an idle word with respect to homicide. Therefore.

Probatur secunda pars. Dispositio directa est ad formam ejusdem speciei, aut per se ei subordinatur. Atqui peccatum veniale ex genere est diversae speciei ad peccatum mortale ex genere, nec ei per se subordinatur, ut patet, v. g., in verbo otioso respectu homicidii. Ergo.

5 The third part is proved [1]. From venial sins frequently committed in some genus, e.g., from habit of playing, the love of play can grow so much that finally on account of it one sins mortally, e.g., Mass be omitted on a feast day. Therefore.

1 Ibid.

Probatur tertia pars[1]. *Ex frequentatis peccatis venialibus in aliquo genere, v. g., ex assuetudine ludendi, potest in tantum crescere amor ludi, ut tandem propter illum peccetur mortaliter, v. g., omittatur sacrum die festo. Ergo.*

[1] *Ibid.*

6 **I say** 2°: Venial sin from imperfection of act, or from lightness of matter, disposes directly to mortal. Thus, e.g., small theft disposes directly to great theft; semi-plenary consent to homicide disposes directly to it; because, although they are of different formal species, they are nevertheless of the same material species, since they turn about the same material object.

***Dico** 2° : Peccatum veniale ex imperfectione actus, aut ex levitate materiae disponit directe ad mortale. Sic, v. g., parvum furtum disponit directe ad magnum furtum, consensus semiplenus in homicidium disponit directe ad illud; quia, quamvis sint diversae speciei formalis, sunt tamen ejusdem speciei materialis, cum versentur circa idem objectum materiale.*

7 **I say** 3°: An act remaining the same in number in natural being can become from venial mortal. Thus consent imperfectly deliberated concerning a mortal object is venial sin; if it continue physically with full deliberation, it becomes mortal [2]. But an act remaining the same in number in moral being cannot become from venial mortal; because sin principally consists in the act of the will, as every moral act: whence an act is not called one in number morally, if the will is morally changed, even though the action in natural being be continuous. But, while the act which was before venial becomes mortal, the will is morally changed; for if it were not changed, it would not become from venial mortal. Therefore.

[2] Here a. 4, c; q. 7 de Malo, a. 3, c, and elsewhere.

***Dico** 3° : Actus remanens idem numero in esse naturae, potest de veniali fieri mortalis. Sic consensus imperfecte deliberatus in objectum mortale, est peccatum veniale; si cum plena deliberatione physice continuetur, fit mortalis*[2]*. At actus remanens idem numero in esse moris, non potest de veniali fieri mortalis ; quia peccatum principaliter consistit in actu voluntatis, sicut quilibet actus moralis : unde non dicitur unus actus numero moraliter, si voluntas moraliter mutetur, etiamsi actio in esse naturae sit continua. Atqui, dum actus qui erat antea venialis fit mortalis, voluntas moraliter mutatur; si enim non mutaretur, non fieret de veniali mortalis. Ergo.*

[2] *Hic a. 4, c; q. 7 de Malo, a. 3, c, et alibi.*

8 It is confirmed. What is of a lower order, however much it be increased within its order, cannot attain to what is of a higher order: thus, however much silver be perfected in its order, it cannot attain the grade of gold. But venial act is of a lower order in moral being than mortal sin; for this is aversive from the last end, not that. Therefore the same in number remaining in moral being cannot become mortal.

Confirmatur. Quod est inferioris ordinis, quantumvis augeatur intra suum ordinem, non potest attingere ad id quod est superioris ordinis : sic, quantumvis perficiatur argentum in suo ordine, non potest attingere gradum auri. Atqui actus venialis est inferioris ordinis in esse moris ad peccatum mortale; istud enim est aversivum ab ultimo fine, non illud. Ergo idem numero manens in esse moris, non potest fieri mortale.

9 **I say** 4°: Sin which would be venial from its genus can become mortal in several ways on the part of the agent and circumstances:

***Dico** 4° : Peccatum quod esset ex genere suo veniale, potest multipliciter fieri mortale ex parte agentis et circumstantiarum :*

10 1° By reason of mortal end: as if anyone should tell an officious lie with the intention of fornicating. Yet since that lie draws its mortal malice from the deadly intention, it suffices to accuse

that intention, or the fornication, if it followed, saying: « I had the intention of fornicating, » or: « I have fornicated ».

> *1° Ratione finis mortalis : ut si quis dicat mendacium officiosum ex intentione fornicandi. Quia tamen illud mendacium suam malitiam mortalem haurit ab intentione mortifera, sufficit illam, vel fornicationem, si secuta fuerit, accusare, dicendo : « Habui intentionem fornicandi, » vel : « Fornicatus sum ».*

11 2° By reason of erroneous conscience: as if you think that to which you set your hand is mortal when it is venial.

> *2° Ratione conscientiae erroneae : ut si ad quod facis existimes esse mortale, cum sit veniale.*

12 3° By reason of grave detriment, whether spiritual (which is scandal) or temporal, which is foreseen or can easily be foreseen as about to follow.

> *3° Ratione gravis detrimenti sive spiritualis (quod est scandalum), sive temporalis, quod praevidetur aut facile potest praevideri secuturum.*

13 4° By reason of proximate danger of sinning morally.

> *4° Ratione periculi proximi peccandi moraliter.*

14 5° If the last end be constituted in venial sin; which happens when the sinner, by a sin venial of itself, is actually disposed in mind to transgress a precept binding under mortal sin rather than abstain from his venial sin.

> *5° Si constituatur finis ultimus in peccato veniali; quod fit quando peccans peccato ex se veniali, est actualiter animo dispositus transgredi praeceptum obligans sub mortali, potiusquam abstinere a peccato suo veniali.*

15 6° By reason of formal contempt. Formal contempt is twofold: one perfect, when anyone refuses in all things to submit to a superior. Any sin whatever, even in a light matter, from such contempt is mortal; for to contemn the whole superiority is a grave thing: The other is imperfect, when anyone refuses to submit to a superior in some matter only, whether grave or light, being ready to obey him in other things; and such contempt in a grave matter is mortal, in a light matter venial; unless perhaps the contempt were of God himself or his precept, because then it would be blasphemous. So distinguish Cajetan and Sylvius.

> *6° Ratione contemptus formalis. Duplex est contemptus formalis : unus perfectus, quando quis renuit in toto subjici superiori. Quodvis autem peccatum, etiam in re levi, ex tali contemptu est mortale; quia contemnere totam superioritatem est quid grave : Alter est imperfectus, quando quis renuit subjici superiori in aliqua re tantum, sive gravi sive levi, paratus ipsi obedire in aliis, et talis contemptus in re gravi est mortalis, in re levi venialis; nisi forte contemptus esset de Deo aut ejus praecepto, quia tunc esset blasphemus. Ita distinguunt Cajetanus et Sylvius.*

16 *You will ask* whether he would sin mortally who had the resolve of committing all venial sins.

> Petes *an mortaliter peccaret qui propositum haberet committendi omnia peccata venialia.*

17 *I answer.* Sanchez and others affirm it, with this reason, that, as St. Thomas teaches, venial sins of themselves dispose to mortal. More probably however it is denied with the Salmanticenses and St. Alphonsus, contempt or proximate danger of falling into mortal being set aside, regard being had to past experience. The reason is because such a resolve leads only remotely to mortal.

Resp. *Affirmant Sanchez et alii, hac ratione quod, ut docet S. Thomas, venialia de se disponunt ad mortale. Probabilius vero negatur cum Salmanticensibus et S. Ligorio, secluso contemptu vel periculo proximo labendi in mortale, habito respectu ad praeteritam experientiam. Ratio est quia tale propositum remote tantum ducit ad mortale.*

18 **I say** 5°: However much venial sins be multiplied, they can never effect one mortal sin, nor be equivalent to it [1]. It is common doctrine against the gloss in cap. Tres sunt, de Poenit., dist. 1, which was deleted by pontifical authority as erroneous.

1 Lib. V, de Praeceptis partic., n. 12.

***Dico** 5° : Quantumvis multiplicentur peccata venialia, nunquam possunt efficere unum peccatum mortale, nec illi aeequivalere*[1]*. Est communis contra glossam in cap. Tres sunt, de Poenit., dist. 1, quae authoritate pontificia deleta est tamquam erronea.*

1 Lib. V, de Praeceptis partic., n. 12.

19 The reason is, because however much venial sins be multiplied, they cannot turn away from the last end; for neither does the first turn away, nor yet the second, which is of the same account, and so of the rest. Nor can they inflict guilt of eternal punishment, which infinitely differs from temporal punishment, which venial sin merits.

Ratio est, quia quantumvis multiplicentur peccata venialia, non possunt avertere ab ultimo fine; non enim primum avertit, non etiam secundum, quod est ejusdem rationis, et sic de sequentibus. Neque possunt inferre reatum paenae aeternae, quae in infinitum distat a poena temporali, quam demeretur peccatum veniale.

20 It is confirmed. The Church teaches that all mortal sins must necessarily be confessed, not venial ones, even multiplied: otherwise, since it is not known how far they must be multiplied so as to effect one mortal sin, as soon as anyone had committed more, he would be bound to confess in doubt; which is false and against the practice of the Church.

Confirmatur. Ecclesia docet, necessario esse confitenda omnia mortalia, non venialia, etiamsi multiplicata : alioquin, cum nescitur quousque debeant esse multiplicata ut efficiant unum mortale, statim ac quis plura commisisset, teneretur in dubio confiteri; quod est falsum et contra praxim Ecclesiae.

21 **I say** 6°: Sin which of itself would be mortal can become venial from two heads [2] : 1° from imperfection of act, which may not be fully deliberate; 2° from lightness of matter.

2 Here a. 6, c.

***Dico** 6° : Peccatum quod ex se esset mortale, potest fieri veniale ex duplici capite*[2] *: 1° ex imperfectione actus, qui non sit plene deliberatus; 2° ex levitate materiae.*

2 Hic a. 6, c.

22 The reason of the first part is, because for mortal sin, whereby man is turned away from God and incurs guilt of eternal punishment, there is required no less an act perfectly voluntary and free than is the meritorious act of eternal life. Such however it is not without perfect deliberation on the part of the intellect, and without full consent on the part of the will.

Ratio primae partis est, quia ad peccatum mortale, quo homo avertitur a Deo et incurrit reatum poenae aeternae, non minus requiritur actus perfecte voluntarius et liber, quam sit actus meritorius vitae aeternae. Talis autem non est sine perfecta deliberatione ex parte intellectus, et sine pleno consensu ex parte voluntatis.

23 The reason of the second part is, because laws regularly bind according to the condition of matter, gravely where matter is grave, lightly where it is light. Consequently transgression in a light matter is a light offense.

> *Ratio secundae partis est, quia leges regulariter obligant juxta conditionem materiae, graviter ubi materia est gravis, leviter ubi est levis. Consequenter transgressio in re levi est levis offensio.*

24 To be specially observed for practice.

> *Specialiter observanda pro praxi.*

25 *You will ask* 1° what is perfect, what imperfect deliberation.

> Petes *1° quid sit perfecta, quid imperfecta deliberatio.*

26 *I answer.* Perfect deliberation is when the intellect without disturbance or impediment fully and distinctly apprehends and adverts, or can and ought to advert, to the act and its malice. To this perfect deliberation on the part of the intellect follows, on the part of the will, full consent, if it be given. *I say*: If it be given; because while the intellect perfectly deliberates and adverts to the evil act, not rarely the will denies consent: which regularly happens in fearful men.

> Resp. *Perfecta deliberatio est, quando intellectus sine turbatione aut impedimento plene et distincte apprehendit et advertit, seu advertere potest et debet actum et ejus malitiam. Hanc perfectam deliberationem ex parte intellectus sequitur, ex parte voluntatis, consensus plenus, si detur.* Dico *: Si detur, quia intellectu perfecte deliberante et advertente actum malum, non raro voluntas denegat consensum : quod regulariter contingit in viris timoratis.*

27 Imperfect deliberation is when someone half asleep or half drunk, or almost half asleep, distracted by various thoughts, or assailed by vehement passion, apprehends or can apprehend the evil act not fully and distinctly, but only confusedly, and the obligation of avoiding it. And then the consent of the will following is necessarily imperfect and semiplenary.

> *Imperfecta deliberatio est quando quis semidormiens aut semiebrius, aut quasi semidormiens, variis cogitationibus distractus, vel vehementi passione impetitus, non plene et distincte, sed in confuso tantum apprehendit aut apprehendere potest actum malum et illum vitandi obligationem. Et tunc consensus voluntatis sequens est necessario imperfectus et semiplenus.*

28 The signs of imperfect consent are: 1° If, as already said, it follows from imperfect deliberation. 2° If anyone, fully adverting to the temptation, immediately repels it, or is so disposed in mind that, if he could easily execute the sin, he would not will to, or would rather choose death than offend God lethally, it is more probable that he did not fully consent; because full and firm affection is not easily changed, and when it is changed, it is easily adverted to. 3° He who is of fearful conscience, and is wont to resist temptation while he fully adverts to it, can prudently judge in doubt that he did not fully consent. Otherwise, if he be of freer conscience, and is wont to consent, because judgment is prudent from commonly occurring circumstances. 4° He who doubts whether in sleep or waking he suffered disordinate motions, can judge that he did not consent fully and deliberately; because, if deliberation had been full, he would know himself to have been perfectly aroused from sleep. 5° Long duration of temptation is not sufficient argument of perfect, nay not even of imperfect consent; for temptation can long endure, the will resisting.

Signa imperfecti consensus sunt : 1° Si, ut jam dictum est, sequatur ex imperfecta deliberatione. 2° Si quis, plene advertens tentationem, statim eam repellit, aut sit ita animo dispositus, ut, si facile posset peccatum exsequi, nollet, aut potius mallet mori, quam Deum lethaliter offendere, probabililius est ipsum plene non consensisse; quia affectus plenus et firmus non facile mutatur, et dum mutatur, facile advertitur. 3° Qui est timoratae conscientiae, et solet resistere tentationi, dum eam perfecte advertit, potest in dubio prudenter existimare se non plene consensisse. Secus, si sit liberioris conscientiae, et soleat consentire, quia ex communiter accidentibus prudens est judicium. 4° Qui dubitat an in somno vel vigilia motus inordinatos passus fuerit, potest existimare se non plene et deliberate consensisse; quia, si fuisset plena deliberatio, ipse sciret se fuisse perfecte a somno excitatum. 5° Diuturnitas tentationis non est sufficiens argumentum perfecti, imo nec imperfecti consensus ; potest enim diu durare tentatio, repugnante voluntate.

29 *You will ask* 2° in what sins lightness of matter excusing from mortal is given or not given.

Petes *2º in quibus peccatis detur vel non detur levitas materia excusans a mortali.*

30 *I answer.* Lightness of matter excusing from mortal is not given in sins in which, notwithstanding the apparent lightness of matter, there is found entire irreverence of the divine Majesty and grave violation of the charity of God and neighbor; because gravity of sin is drawn from the gravity of irreverence of divine Majesty, or of violation of charity. Therefore, where grave irreverence or violation of charity is found in small as in great quantity of matter, the gravity of sin remains.

Resp. *Non datur levitas materiae excusans a mortali in peccatis in quibus, non obstante levitate apparente materia, reperitur integra irreverentia divinae Majestatis et gravis laesio charitatis Dei et proximi; quia gravitas peccati desumitur ex gravitate irreverentiae divinae Majestatis, aut laesionis charitatis. Ergo, ubi reperitur gravis sive irreverentia sive laesio charitatis in parva sicut in magna quantitate materiae, remanet gravitas peccati.*

31 But in those sins in which from diminution of matter the gravity of irreverence toward God or of violation of charity is diminished, lightness of matter excusing from mortal is given; because matter can be so diminished and decreased that it suffice only for light irreverence or light violation of charity.

In iis autem peccatis in quibus ex diminutione materiae minuitur gravitas irreverentiae in Deum aut laesionis charitatis, datur levitas materiae excusans a mortali; quia potest ita minui et decrescere materia, ut non sufficiat nisi ad levem irreverentiam seu levem laesionem charitatis.

32 Hence you will infer 1° that parvity of matter excusing from mortal is not given in sins which are committed directly against God, as are all sins against the theological virtues; because, although in a most light matter you deny faith to God, or despair of him, or hold him in hatred or contempt, or formally blaspheme him, you gravely offend his truth, power, goodness, majesty.

Hinc inferes 1º non dari parvitatem materiae excusantem a mortali in peccatis quae committuntur directe contra Deum, ut sunt omnia peccata contra virtutes theologicas ; quia, etsi in re levissima fidem Deo deneges, vel de eo desperes, vel eum odio aut contemptui habeas, aut formaliter blasphemes, graviter ejus veritatem, potentiam, bonitatem, majestatem offendis.

33 You will infer 2° In sins which are against Religion, sometimes parvity of matter excusing from mortal is given, sometimes not. It is not given in superstition of worshipping false deity, as idolatry, divination and vain observance. I say the same of magic and maleficium; because to worship false deity in even the smallest thing, or to hold society, whether explicitly or implicitly, with the devil, is the gravest injury offered to true deity.

Inferes 2º. In peccatis quae sunt contra Religionem, quandoque dari, quandoque non dari parvitatem materiae excusantem a mortali. Non datur in superstitione cultus falsi numinis, ut sunt idololatria, divinatio et vana observantia. Idem dico de magia et maleficio; quia vel in re minima colere falsum numen, aut habere societatem, sive explicite, sive implicite cum diabolo, est gravissima injuria vero numini illata.

34 There can however be given in divination and vain observance lightness, not of matter, but of act, excusing from mortal: as if anyone attempt divination without express invocation of the demon, out of jest or levity, not believing it useful, but altogether vain and useless, or knowing not that there is any invocation of the demon therein, he does not sin mortally. Let the same judgment be, if from a dream, augury and similar things he conceive some fear of things future, but nevertheless do not believe it; or if once and again he do or omit something free to him from such fear, yet do not direct his life and actions according to the norm of such divinations. I say the same of vain observance of healths or events: as if anyone out of simplicity or non-culpable ignorance, or out of excessive timidity, leave the table because thirteen sit there, fearing thence someone's death; or if because in going out of the house in the morning he strike his foot, or a hare run across him, he fears an unlucky journey, and therefore returns home; or if he promise himself certainly and infallibly a good death, if he honor such a saint, recite daily such a prayer.

Potest tamen dari in divinatione et vana observantia levitas, non materiae, sed actus, excusans a mortali : ut si quis tentet divinationem sine expressa daemonis invocatione, ex joco vel levitate, non credens eam utilem, sed prorsus vanam et inutilem, aut nesciens ibi esse aliquam daemonis invocationem, non peccat mortaliter. Idem esto judicium, si ex somnio, augurio et similibus aliquem timorem de futuris concipiat, sed tamen non habeat fidem, aut si semel et iterum faciat seu omittat aliquid sibi liberum ex tali timore, non tamen vitam et actiones suas ad talium divinationum normam dirigat. Idem dico de vana observantia sanitatum aut eventuum : ut si quis ex simplicitate vel ignorantia non crassa, aut ex nimia timiditate, recedat a mensa, quia ibi tredecim assident, timens inde alicujus mortem ; vel si eo quod mane domo egrediens offendat pedem, aut lepus ipsi occurrat, timet infaustum iter, et ideo domum repetit; vel si sibi certo et infallibiliter promittit bonam mortem, si talem sanctum colat, si talem orationem quotidie recitet.

35 But in superstition of undue worship, especially superfluous, of true deity, lightness of matter excusing from mortal seems able to be given: as if anyone pray before sunset, or with a certain number, position, color of candles, or will to hear Mass from a priest called John, or repeat Alleluia, or make more crosses than is ordained by the Church, or abstain from certain servile work, put sewing, on Saturdays, in honor of the Blessed Virgin, while he indulges in other servile works. For in these and similar things, contempt and scandal set aside, no grave injury seems to be done.

In superstitione autem cultus indebiti, praesertim superflui, veri numinis, videtur posse dari levitas materiae excusans a mortali : ut si quis oret ante solis occasum, vel cum certo numero, situ, colore candelarum, vel velit audire sacrum a sacerdote qui vocetur Joannes, vel repetat Alleluia, aut faciat cruces plusquam sit ordinatum ab Ecclesia, vel abstineat a certo opere servili, puta nendi, diebus sabbatis, in honorem B. Virginis, dum aliis operibus servilibus indulget. In his enim et similibus, secluso contemptu et scandalo, non videtur gravis injuria.

36 In simony parvity of matter excusing from mortal is not given; because, however little the thing be in degree of spirituality, it is always a great injury to value it at an earthly price; and the less price is paid for a spiritual thing, the less it seems to be valued. Nor is it given in assertory oath; because it is always grave irreverence and injury to will God to be witness of a falsehood, as if he could be deceived or deceive, even in the smallest matter. Otherwise, according to the opinion more probable to us, of promissory oath, in which God is invoked not as witness of truth or falsehood, but is taken

as quasi-sponsor of the obligation of the swearer, which obligation does not consist in an indivisible, but is greater or lesser, according to the account of matter of greater or lesser moment, of which I spoke at length in tract. de Religione, dissert. V, a. 6, § 1.

> *In simonia non datur parvitas materia excusans a mortali ; quia, quantumvis res sit in parvo gradu spiritualitatis, semper est magna injuria eam terreno pretio aestimare, et quo minus pretium pro re spirituali datur, eo minus videtur aestimari. Neque datur in juramento assertorio; quia est semper gravis irreverentia et injuria, velle Deum esse testem falsi, quasi posset falli aut fallere, etiam in re minima. Secus, juxta sententiam nobis probabiliorem, de juramento promissorio, in quo Deus non invocatur testis veritatis aut falsitatis, sed assumitur quasi sponsor obligationis jurantis, quae obligatio non consistit in indivisibili, sed est major vel minor, juxta rationem materiae majoris vel minoris momenti, de quo late dixi in tract. de Religione, dissert. V, a. 6, § 1.*

37 Likewise lightness of matter is given in vow, whether it be total matter or part of the total matter of the vow, concerning which see also ibid., dissert. IV, a. 3, concl. 3. In sacrilege which is done from direct intention of dishonoring sacred things, lightness of matter is not given, on account of formal contempt of the sacred thing, which is reduced to God. But done for another end, it admits lightness of matter excusing from mortal: thus slight theft in a sacred place is venial sin.

> *Item datur levitas materiae in voto, sive sit materia totalis, sive pars materiae totalis voti, de quo etiam vide ibid., dissert. IV, a. 3, concl. 3. In sacrilegio quod fit ex directa intentione inhonorandi res sacras, non datur levitas materiae, propter contemptum formalem rei sacrae, qui redueitur in Deum. Factum autem ob alium finem, admitit levitatem materiae excusantem a mortali : sic furtum leve in loco sacro est peccatum veniale.*

38 You will infer 3° that lightness of matter excusing from mortal is given in sins which are against the precepts of the second table, or which are against neighbor and self and against ecclesiastical precepts, as in theft, beating, wounding, detraction, insult, cursing, anger, vengeance, avarice, ambition, gluttony, ecclesiastical fast, etc.; because in these the less the matter, the less the injury done to self or neighbor.

> *Inferes 3° dari levitatem materiae excusantem a mortali in peccatis quae sunt contra praecepta secundae tabulae, seu quae sunt contra proximum et seipsum et contra praecepta ecclesiastica, ut in furto, verberatione, laesione, detractione, contumella, maledictione, ira, vindicta, avaritia, ambitione, gula, jejunio ecclesiastico, etc.; quia in his quo minor est materia, eo minor est injuria sibi aut proximo facta.*

39 *You will ask* 3° whence is to be estimated the gravity or levity of matter in those sins which admit it.

> Petes *3º unde aestimanda est gravitas vel levitas materiae in iis peccatis quae illam admittunt.*

40 *I answer.* That it is to be estimated from this, that, according to the judgment of prudent men and doctors, it conduces gravely or lightly to the grave end of the law; so that matter is grave which conduces gravely to the end of the law; light, which lightly, whether it be a third part, or a fourth, or a twentieth, or a hundredth part of the whole. I said, according to the judgment of prudent men and doctors, because upon it chiefly depends discerning what matter conduces gravely or lightly to the end of the law.

> Resp. *esse aestimandam ex hoc quod, secundum judicium prudentum et doctorum, graviter vel leviter conducat ad finem gravem legis, ita ut illa materia sit gravis, quae graviter conducit ad finem legis; levis, quae leviter, sive sit tertia, sive quarta pars, sive vigesima, sive centesima pars totius. Dixi, secundum judicium prudentum et doctorum, quia ab ipso maxime pendet discernere quae materia graviter aut leviter conducat ad finem legis.*

41 It must be noted however, concerning the time at which the law begins or ceases to bind, e.g., of fast, that lightness of matter is not given: so that, if immediately after hearing the twelfth hour of the night of Friday, or immediately before the twelfth of Sunday, you eat meat, the matter is grave and the sin mortal; because that negative precept binds the whole day of the fast, always and forever, excluding every part of that day from eating meat. The same seems to be said of the time required by law for receiving sacred Orders, making profession, contracting marriage, etc. Nor stands in the way what is commonly said: « That what differs little seems to differ nothing; » for this axiom does not hold in things fixed by law, which consist in an indivisible, and thus the common sense apprehends.

Notandum tamen, circa tempus quo incipit aut desinit obligare lex, v. g., jejunii, non dari levitatem materiae : ita ut, si immediate post auditam duodecimam horam nocturnam diei veneris, aut immediate ante duodecimam dominicae, manduces carnes, sit materia gravis et peccatum mortale ; quia istud praeceptum negativum obligat tota die jejunii, semper et pro semper, excludendo omnem partem istius diei a comestione carnium. Idem videtur dicendum de tempore a jure requisito ad suscipiendos sacros Ordines, professionem emittendam, matrimonium ineundum, etc. Neque obstat quod communiter dicitur : « Quod parum distat, nihil distare videtur ; » hoc enim axioma non valet in rebus taxatis a jure, quae consistunt in indivisibili, et ita sensus communis apprehendit.

What is the last end of the one sinning mortally, and of the one sinning venially?

1 **I say** 1°: The creature is the ultimate end of one sinning mortally[1], according to that word of the Apostle, *Philip.*, I, 19, of the gluttonous: Whose God is their belly.

1 Here q. 88, a. 1, ad 4, and q. 89, a. 1, ad 3.

***Dico** 1° : Creatura est finis ultimus peccantis mortaliter[1], juxta illud Apost.,* Philip.*, I, 19, de gulosis : Quorum Deus venter est.*

1 Hic q. 88, a. 1, ad 4, et q. 89, a. 1, ad 3.

2 *It is proved* 1° from Aug., who in many places places the whole perversity of human life in this, that he enjoys things to be used and uses things to be enjoyed[2]; but to enjoy, according to the same Aug., lib. XI de Civit., c. 25, and elsewhere, is to adhere to something as to an ultimate end. But he who sins mortally enjoys things to be used; for he does not use them on account of God, since on their account he forsakes God. Therefore.

2 « We use that thing which we refer to that from which pleasure is to be taken. All human perversion, therefore, which is also called vice, is to will to use things to be enjoyed and to enjoy things to be used. And again all ordering, by which even virtue is named, is to enjoy things to be enjoyed and to use things to be used. But things honorable are to be enjoyed, and things useful to be used. » De div. quaest. LXXXIII, q. 30.

Probatur *1° ex Aug., qui pluribus in locis totam perversitatem vitae humanae collocat in eo quod fruatur utendis et utatur fruendis[2] ; frui autem, secundum eundem Aug., lib. XI de Civit., c. 25, et alibi, est alicui tamquam fini ultimo adhaerere. Atqui qui peccat mortaliter, fruitur utendis ; non enim utitur illis propter Deum, cum propter illa Deum deserat. Ergo.*

2 « Utimur ea re quam referimus ad id unde voluptas capienda est. Omnis itaque humana perversio est, quod etiam vitium vocatur, fruendis uti velle, atque utendis frui. Et rursus omnis ordinatio, qua virtus etiam nominatur, fruendis frui et utendis uti. Fruendum est autem honestis, utendum vero utilibus. » De div. quaest. LXXXIII, q. 30.

3 *It is proved* 2° by reason. What man perversely loves by sinning mortally, he does not love as a means, or as an intermediate end subordinated to God, otherwise he would not sin; and moreover it is clear because, according to Scripture, *Isa.*, I, 2, by sinning mortally he spurns[3] God, and *I Reg.*, XII,

10, forsakes[4] God. Therefore he loves it as an ultimate end, or as a mean or intermediate end subordinated to another creature, and that other creature will be for him the ultimate end.

[3] Hear, O heavens, and give ear, O earth, for the Lord has spoken. I have nourished and brought up children, but they have despised me.

[4] They cried to the Lord and said: We have sinned, because we have forsaken the Lord and served Baalim and Astaroth.

> Probatur *2º ratione. Quod homo perverse amat peccando mortaliter, non amat illud ut medium, aut ut finem intermedium Deo subordinatum, alioquin non peccaret ; et insuper patet quia, juxta Scripturam,* Isa., *I, 2, peccando mortaliter spernit*[3] *Deum, et* I Reg., *XII, 10, derelinquit*[4] *Deum. Ergo amat illud ut finem ultimum, vel ut medium aut finem intermedium alteri creaturae subordinatum, et illa altera creatura erit illi finis ultimus.*
>
> [3] *Audite coeli et auribus percipe terra, quoniam Dominus locutus est. Filios enutrivi et exaltavi, ipsi autem spreverunt me.*
>
> [4] *Clamaverunt ad Dominum et dixerunt : Peccavimus, quia dereliquimus Dominum et servivimus Baalim et Astaroth.*

4 But there remains the question: what creature is the ultimate end of one sinning mortally. Concerning which

> *Sed restat quaestio : quae creatura sit ultimus finis peccantis mortaliter. Pro quo*

5 **I say** 2º: The ultimate end of one sinning mortally is his own and private good, not in itself, but inordinately loved even to contempt of God and exclusion of grace and charity.

> ***Dico** 2º : Finis ultimus peccantis mortaliter est ejus bonum proprium et privatum, non secundum se, sed inordinate amatum usque ad contemptum Dei et exclusionem gratiae et charitatis.*

6 The first part is proved. That is the ultimate end of one sinning mortally which he loves for its own sake, and under whose reason he loves other things. But one sinning mortally loves his own and private good for its own sake, and the other particular goods which he pursues he loves by reason of his own and private good. Therefore. — The *major* is the definition of the ultimate end. — Proof of the minor. In every mortal sin the sinner loves a changeable good, because in it he finds, or apprehends, or imagines some convenience and advantage for himself. For either he apprehends this good as serving him, and thus apprehends it as good for himself; or he apprehends that he ought to serve that good, as idolaters worshipped idols for gods, and thus he apprehends its serving him as convenient and advantageous, just as a friend apprehends serving his friend as convenient and good for himself. Therefore whatever particular goods one sinning mortally pursues, those he loves under the reason of his own and private good.

> Probatur *prima pars. Illud est finis ultimus peccantis mortaliter, quod propter se amat et sub ratione cujus caetera amat. Atqui peccans mortaliter, amat proprium et privatum bonum propter se, et caetera bona particularia quae prosequitur amat ratione proprii et privati boni. Ergo.* — Major *est definitio finis ultimi.* — Prob. min. *In omni peccato mortali peccans amat bonum commutabile, quia in eo reperit, vel apprehendit, vel imaginatur aliquam sibi convenientiam et commodum. Vel enim apprehendit istud bonum sibi deservire, et sic apprehendit ut sibi bonum; vel apprehendit se debere servire illi bono, sicut idololatrae colebant idola pro diis, et sic apprehendit illud servire ut sibi conveniens et commodum, sicut amicus apprehendit servire amico ut sibi conveniens et bonum. Ergo quaecumque bona particularia prosequitur peccans mortaliter, illa amat sub ratione boni proprii et privati.*

7 The second part is proved. The ultimate end of one sinning mortally is opposed to God and irreferable to him. But one's own and private good in itself is not opposed to God and irreferable to

him, but only cuts itself off from him; but as inordinately loved even to contempt of God and exclusion of grace, it is opposed to God and irreferable to him. Therefore.

> Probatur *secunda pars. Finis ultimus peccantis mortaliter est oppositus Deo et irreferibilis in ipsum. Atqui bonum proprium et privatum secundum se non est oppositum Deo et irreferibile in ipsum, sed tantum ab hoc praescindit; ut autem inordinate amatum usque ad contemptum Dei et exclusionem gratiae, est oppositum Deo et irreferibile in ipsum. Ergo.*

8 From this you will infer that not everything the sinner does is mortal sin; nay rather, sometimes it is morally good, as honoring parents, paying debts[1], etc. For although these are not actually and explicitly referred to God in the sinner, they are nevertheless not irreferable of themselves; nay they are referred virtually and implicitly, as I shall say elsewhere. Hence also you have the solution of objections that can be made.

1 This concludes against the 25th proposition of Baius condemned: « All works of infidels are sins, and the virtues of philosophers are vices. »

> *Ex quo inferes, non omne quod facit peccator esse peccatum mortale, quin imo quandoque esse bonum moraliter, ut colere parentes, solvere debita[1], etc. Licet enim haec in peccatore actu explicite non referantur in Deum, non sunt tamen ex se irreferibilia, quin etiam virtualiter implicite referuntur, ut dicam alibi. Hinc etiam habes solutionem objectionum quae fieri possunt.*
>
> [1] *Hoc concludit contra 25am propositionem Baianam damnatam : « Omnia opera infidelium sunt peccata, et philosophorum virtutes sunt vitia. »*

9 **I say** 3°: The ultimate end of one sinning venially, whether sinner or just man, is beatitude as such, or to be well and happy. For thus the ultimate end is had positively, and it is easily conceived how it does not exclude charity; because this most common end, since it is necessarily loved and indifferent of itself so as to be applied to a good or evil object, gives no honesty or malice to the act of itself, but abstracts from both. Consult dissert. I de Ultimo fine, a. 4 and 5.

> ***Dico** 3º : Finis ultimus peccantis venialiter, sive peccatoris sive justi, est beatitudo ut sic, seu esse bene et beate. Sic enim habetur finis ultimus positive, et facile concipitur quomodo non excludat charitatem; quia iste communissimus finis, cum sit necessario amatus et de se indifferens ut applicetur objecto bono vel malo, nullam ex se tribuit actui honestatem vel malitiam, sed ab utraque abstrahit. Consule dissert. I de Ultimo fine, a. 4 et 5.*

10 Hence you will understand in what sense St. Thomas says in many places that venial sin is habitually referred to God. For the holy Doctor means nothing else than that venial sin in the just man is compatible with charity, and does not exclude it; because habitual relation, as I said in dissert. I de Ultimo fine, a. 5, signifies pure concomitance of some habit with an act, without any influx, whether actual or virtual. Whence, just as if a just man while sleeping were reciting prayers, he would be said to refer them habitually to God, on account of the concomitance of the habit of charity; so, while he sins venially, his sin is said to be referred habitually to God, on account of the charity concomitant, which he does not expel.

> *Hinc intelliges quo sensu S. Thomas multis in locis dicit peccatum veniale referri habitualiter in Deum. Nihil enim aliud vult S. Doctor, quam quod peccatum veniale in justo compatiatur charitatem, eamque non excludat; quia relatio habitualis, ut dixi dissert. I de Ultimo fine, a. 5, dicit puram concomitantiam alicujus habitus cum actu, absque ullo influxu sive actuali sive virtuali. Unde, sicut si justus dormiens recitaret preces, diceretur illas referre habitualiter in*

Deum, propter concomitantiam habitus charitatis; ita, dum peccat venialiter, dicitur peccatum suum referre habitualiter in Deum, propter concomitantem charitatem quam non expellit.

Whether mortal sin, as an offense, is of simply infinite gravity?

1 *Note* 1°. Sin is an evil of God, not indeed physically damaging, for it takes nothing real away from God, but dishonoring and offensive by way of contempt — not only by reason of disobedience but chiefly by reason of violation of the strict right which he has to be the last end of all human actions, as he is their first principle, from which last end the sinner mortally turns away, constituting it in a creature, as was said in the preceding article. Now this injury consists in some morality and denomination whereby the person is said to be injured and offended, not effectively and entitatively, but morally and according to right estimation.

Nota *1°. Peccatum est malum Dei, non quidem physice damnificativum, nihil enim reale aufert a Deo, sed inhonorativum et offensivum per modum contemptus, non solum ratione inobedientiae, sed maxime ratione laesionis juris stricti quod habet ut sit finis ultimus omnium actionum humanarum, sicut est earum primum principium, a quo ultimo fine avertitur peccans mortaliter, ipsum constituens in creatura, ut articulo superiori dictum est. Haec vero injuria consistit in aliqua moralitate et denominatione qua persona dicitur laesa et offensa, non effective et entitative, sed moraliter et secundum aestimationem rectam.*

2 *Note* 2°. This dishonoring or offense can be considered in two ways: on the part of the act or of its object and circumstances, and on the part of the subject, namely God whom it affects and in whom it is morally subjected; for as, it is commonly said, honor is in the one honoring, so offense is in the one offended.

Nota *2°. Haec inhonoratio seu offensa potest considerari dupliter : ex parte actus seu ejus objecti et circumstantiarum, et ex parte subjecti, scilicet Dei quem afficit et in quo moraliter subjectatur; sicut enim, ut communiter dicitur, honor est in honorante, ita offensa est in offenso.*

3 *I say*: It is more probable that mortal sin, in the character of offense considered on the part of God whom it affects, is of gravity simply infinite.

Dico *: Probabilius est, peccatum mortale, in ratione offensae consideratae ex parte Dei, quem afficit, esse gravitatis simpliciter infinitae.*

4 It is *proved* 1° from St. Thomas, 3ª parte, q. 1, a. 2, ad 2: « Sin, he says, committed against God has a certain infinity from the infinity of divine majesty; for the offense is so much graver, as greater is he against whom offense is given. Whence there was need, for condign satisfaction, that the act of the satisfier have infinite efficacy, as being that of God and man. »

Probatur *1° ex D. Thoma, 3ª parte, q. 1, a. 2, ad 2 : « Peccatum, inquit, contra Deum commissum quamdam infinitatem habet ex infinitate divinae majestatis; tanto enim offensa est gravior, quanto major est ille in quem delinquitur. Unde oportuit, ad condignam satisfactionem, ut actus satisfacientis haberet efficaciam infinitam, utpote Dei et hominis existens. »*

5 Nor let it move you that he said, « a certain infinity. » For he said thus because it is not infinite in every way, neither on the part of the act nor in the physical genus, but morally only; not however because it is not infinite absolutely and without diminution. It appears because otherwise he would badly infer from it the necessity of infinite satisfaction.

Nec te moveat quod dixerit, « quamdam infinitatem. » Ita enim dixit, quia non est infinita omnibus modis, neque ex parte actus, neque in genere physico, sed morali tantum ; non autem quia non est infinita absolute et sine diminutione. Patet quia alias male inde inferret necessitatem satisfactionis infinitae.

6 It is *proved* 2° by reason taken from the principle laid down by the holy Doctor. Gravity of offense grows according to the dignity of the person upon whom it is inflicted: thus injury inflicted on a general is greater than on a soldier; greater inflicted on a king than on a general. And the reason is, because offense morally is in the one offended, as honor is in the one honoring, according to the common adage; and truly the offended one is the sufferer of injury, but the sufferer is the subject receiving; whence, as honor grows according to the dignity of the person honoring, so grows offense according to the dignity of the person offended. Yet the dignity of the person offended, namely God, is simply infinite. Ergo.

Probatur *2º ratione desumpta ex principio posito S. Doctoris. Gravitas offensae crescit juxta dignitatem personae cui irrogatur : sic major est injuria irrogata duci, quam militi; major irrogata regi, quam duci. Et ratio est, quia offensa moraliter est in offenso, sicut honor est in honorante, ut fert commune adagium, et revera offensus est patiens injuriam, patiens autem est subjectum recipiens; unde, sicut crescit honor secundum dignitatem personae honorantis, sic crescit offensa secundum dignitatem personae offensae. Atqui dignitas personae offensae, scilicet Dei, est infinita simpliciter. Ergo.*

7 Neither say that offense grows according to the dignity of the person offended, not arithmetically and according to equality, but geometrically and only according to proportion: from which only follows that the offense of God be of higher order than offense of creatures. — Against is the fact that God himself confers upon the offense committed against himself that it be of higher order. Yet he is not only of higher order, but infinite. Ergo he also confers upon the offense committed against himself that it be infinite; for he is not less powerful to confer infinity than superiority of order.

Neque dicas offensam crescere secundum dignitatem personae offensae, non arithmetice et secundum aequalitatem, sed geometrice et secundum proportionem tantum : ex quo solum sequitur, offensam Dei esse superioris ordinis ad offensam creaturarum. — Contra est enim quod idem Deus confert offensae contra ipsum commissae, quod sit superioris ordinis. Atqui, non solum est superioris ordinis, sed et infinitus. Ergo etiam confert offensae contra ipsum commissae quod sit infinita; non est enim minus potens conferre infinitatem, quam superioritatem ordinis.

8 If you reply, that communicating infinity is impeded by the limitation of the sinner's effort — *I answer.* this limitation is in the physical genus, and the infinity of offense in the moral genus. But this physical limitation does not impede moral infinity; just as, although the actions of Christ theandric were physically finite, nevertheless by reason of the divine supposit they were infinite morally and in being of value. — It is *confirmed.* The effort of the sinner is not only finite, but also of lower order than God offended. Yet, notwithstanding this inferiority, God communicates to him gravity of higher order, as the adversaries say. Ergo, though it be finite, he can communicate to it infinity.

Si reponas, impediri ne communicet infinitatem, ex limitatione conatus peccantis, — resp. hanc limitationem esse in genere physico, et infinitatem offensae in genere morali. Haec autem limitatio physica non impedit infinitatem moralem; sicut, licet actiones Christi theandricae essent physice finita, ratione tamen suppositi divini erant infinita moraliter et in esse valoris. — Confirmatur. *Conatus peccantis non solum est finitus, sed etiam inferioris ordinis ad Deum offensum. Atqui, non obstante hac inferioritate, Deus communicat illi gravitatem superioris ordinis, ut dicunt adversarii. Ergo, licet sit finitus, potest illi communicare infinitatem.*

Whether man, in the first moral instant of the use of reason, is bound to turn himself to God; and whether venial sin can exist with original sin alone?

1 The question is of the perfect use of reason, which suffices for deliberating about things most weighty, to which a child arrives gradually and successively, some more quickly, some more slowly.

> *Quaestio est de perfecto usu rationis, qui sufficiat ad deliberandum de rebus gravissimis, ad quem puer pervenit paulatim et successive, alii citius, alii tardius.*

2 A conversion to God is distinguished two ways: one explicit and formal toward God distinctly and explicitly known, whether through faith, or through natural light; the other virtual and implicit, whereby one proposes to live according to reason, or loves the honest good, in which God, as author and end of this good, implicitly is contained. The instant in which the child who has reached the perfect use of reason deliberates about the last end, setting it before himself, is not physical but moral, comprising several physical instants; because however it takes place in the briefest time, it is called an instant.

> *Duplex distinguitur conversio ad Deum : una explicita et formalis ad Deum distincte et explicite cognitum, sive per fidem, sive per lumen naturale; altera virtualis et implicita, qua quis proponit vivere secundum rationem, aut amat bonum honestum, in quo Deus, ut hujus boni auctor et finis, implicite continetur. Instans quo puer qui pervenit ad perfectum usum rationis, deliberat de ultimo fine sibi praefigendo, non est physicum, sed morale, plura instantia physica complectens; quia tamen id sit brevissimo tempore, dicitur instans.*

3 **I say**: In the first moral instant of perfect use of reason man is bound under mortal sin to convert himself to God, either explicitly, in that manner in which he can and knows him, or, as the holy Doctor says, *Hebr.*, V, 14, he who has his senses exercised to discern the good and evil that is of others [1].

[1] Here q. 89, a. 6, c; in II Sentent., dist. 42, a. 5, ad 7; q. 5 de Malo, a. 2, ad 8, and elsewhere.

> ***Dico** : Homo in primo instanti morali usus perfecti rationis tenetur sub mortali se convertere ad Deum, vel explicite, eo modo quo potest et eum cognoscit, seu, ut dicit S. Doctor,* Hebr.*, V, 14, qui sensum habent exercitatum ad discretionem boni et mali extranei*[1].
>
> [1] *Hic q. 89, a. 6, c; in II Sentent., dist. 42, a. 5, ad 7; q. 5 de Malo, a. 2, ad 8, et alibi.*

4 *It is proved* 1°. That which first occurs to man upon arriving at the perfect use of reason is to think and deliberate about himself, namely toward what end he is about to order himself and his actions. Therefore he is bound then to constitute God as his end, if he know him explicitly, or the good suitable to his nature, namely the honest good consonant with reason, in which God implicitly is contained. — Proof of the antecedent: Man is the end of all desirable things, but man himself is means with respect to God, who is his [man's] end. But the end is prior in intention. Therefore what first occurs to man arriving at the perfect use of reason is to think and deliberate about himself, toward what end he should order himself and his actions.

> Probatur *1°. Id quod primum occurrit homini ad usum perfectum rationis pervenienti, est cogitare et deliberare de seipso, ad quem scilicet finem se suasque actiones sit ordinaturus. Ergo tenetur tunc sibi constituere Deum pro fine, si illum explicite cognoscat, aut bonum suae naturae conveniens, nempe bonum honestum et rationi consonum, in quo Deus implicite continetur.* — Prob. ant. *Homo est finis cui omnium concupiscibilium, ipse autem homo est medium respectu Dei, qui est illius finis. Atqui finis est prior in intentione. Ergo quod primo occurrit homini pervenienti ad perfectum usum rationis, est cogitare et deliberare de seipso, ad quem finem se et suas actiones sit ordinaturus.*

[5] *It is confirmed*. To arrive at the perfect use of reason is to discern between moral good and evil; and thus at that instant the natural law, through synderesis dictating that the honest good is to be done and evil shunned, is intimated to him. Therefore man is bound then to accept that law and subject himself to it, proposing to act according to it; just as, while the evangelical law is sufficiently promulgated to anyone, he is bound straightway to accept it and subject himself to it, proposing to live and act according to it. Therefore.

> Confirmatur. *Pervenire ad usum perfectum rationis, est discernere inter bonum et malum morale, sicque pro eo instanti intimatur per synderesim lex naturalis dicitans bonum honestum esse faciendum et malum fugiendum. Ergo tenetur tunc homo illam legem acceptare et ei se subjicere, proponendo agere secundum illam; sicut, dum lex evangelica est alicui sufficienter promulgata, tenetur statim eam acceptare, seque illi subjicere, proponendo vivere et agere secundum illam. Ergo.*

[6] *It is proved* 2°. There is a natural precept of converting oneself to God and loving him above all things, which, since it is affirmative, binds not always but for a determinate time. But there is no time more fitting, and in which it binds the more, than the first moral instant of use of reason. Therefore. — Proof of the minor in many ways: 1° From the reason already made, that what first occurs to man in this instant is to deliberate about himself in order to the end. 2° When man first arrives at the use of reason, he enters the world as a moral agent, and begins the way of the life of reason. Therefore then above all is he bound to set before himself the legitimate end, namely God, or the honest good, unto which direct all his actions: otherwise he is exposed forthwith to danger of going astray and losing salvation; as he who prudently begins a great journey ought to set before himself the term toward which he tends. 3° Because the other times assigned by theologians for the fulfillment of this precept are not so fitting.

> Prubatur *2º. Est praeceptum naturale se convertendi ad Deum et ipsum super omnia diligendi, quod cum sit affirmativum, non obligat pro semper, sed determinato tempore. Atqui nullum est tempus magis conveniens et in quo magis obliget, quam primum instans morale usus rationis. Ergo.* — Prob. min. *multipliciter: 1° Ex ratione jam facta, quod primum quod occurrit homini in hoc instanti, sit deliberare de seipso in ordine ad finem. 2º Dum homo primum pervenit ad usum rationis, mundum tamquam agens morale ingreditur, et viam vitae rationis incipit. Ergo tunc maxime tenetur sibi praefigere finem legitimum, nempe Deum, vel bonum honestum, ad quem omnes suas actiones dirigat : alioquin exponitur continuo periculo deviandi et perdendi salutem; sicut qui prudenter inchoat magnum iter, debet sibi praefigere terminum in quem tendat. 3° Quia alia tempora assignata a theologis ad impletionem hujus praecepti, non ita sunt convenientia.*

[7] **I say** 2°: It is probable that venial sin cannot be in anyone together with original alone [1]

[1] Ibid.

> ***Dico** 2° : Probabile est peccatum veniale non posse esse in aliquo cum solo originali*[1]
>
> [1] *Ibid.*

[8] *It is proved.* If venial could be found in man together with original alone, this would happen either before the first instant of reason, or in that very instant, or immediately after. Not before the first instant of reason, because then man lacks the use of reason and liberty, and thus is incapable of venial sin; not in the very instant of the use of reason, because either he converts himself to God, and is justified from original sin, or converts himself not, and thus sins mortally, as has been said;

consequently neither immediately after the first instant can there be venial together with original alone.

> Probatur. *Si posset in homine reperiri veniale cum solo originali, id contingeret vel ante primum instans rationis, vel in ipso instanti, vel immediate post. Non ante primum instans rationis, quia tunc homo caret usu rationis et libertate, sicque est incapax peccati venialis; non in ipso instanti usus rationis, quia vel convertitur ad Deum, et justificatur a peccato originali, vel non convertitur, et sic peccat mortaliter, ut dictum est; consequenter nec immediate post primum instans potest esse veniale cum solo originali.*

TREATISE ON LAWS

TRACTATUS DE LEGIBUS

2 St. Thomas, Ia IIae, from q. 90 to 109.

D. Thomas, Ia IIae, a q. 90 ad 109.

DISSERTATION I

DISSERTATIO I

ON LAW IN GENERAL

DE LEGE IN COMMUNI

5 St. Thomas, qq. 90, 91, 92.

D. Thomas, qq. 90, 91, 92.

What is law?

1 **I say**: Law is rightly defined: « An ordination of reason to the common good, promulgated by him who has the care of the community [1] ». So commonly with the Author. It is explained.

1 Here q. 90, a. 4, c.

***Dico**: Lex recte definitur : « Ordinatio rationis ad bonum commune, ab eo qui curam communitatis habet promulgata[1] ». Ita communiter cum Authore. Explicatur.*

1 Hic q. 90, a. 4, c.

2 It is said 1° an ordination of reason, namely practical: by which is understood the act of command or rather its term or dictate produced by it, by which the superior prescribes something to be done or omitted. It is also understood an efficacious ordination, indeed not with respect to the work prescribed, since laws are continually violated, but with respect to the obligation which affects subjects, by which it is distinguished from counsel. Likewise it is understood a firm, stable and perpetual ordination, in this sense that it does not cease through the death of the legislator, by which it is distinguished from a precept, nor is it borne to the present alone, but also to those to come,

although it could cease absolutely either through revocation, or through change of the matter, or through cessation of the adequate end.

> *Dicitur 1° ordinatio rationis, scilicet practicae : per quod intelligitur actus imperii seu potius ejus terminus seu dictamen ab eo productum, quo superior praescribit aliquid faciendum vel omittendum. Intelligitur etiam ordinatio efficax, non quidem respectu operis praescripti, cum leges continuo violentur, sed respectu obligationis quae afficit subditos, per quod distinguitur a consilio. Item intelligitur ordinatio firma, stabilis et perpetua, hoc sensu quod non desinat per mortem legislatoris, per quod distinguitur a praecepto, nec feratur ad solos praesentes, sed etiam ad futuros, licet posset absolute desinere vel per revocationem, vel per mutationem materiae, vel per cessationem finis adaequati.*

3 It is said 2° to the common good. For the end of law is the common good: both because law is borne for the community, so to speak, which it directs to a good and honest end, and that end is the good of the whole; and because the end ought to answer to the principle, but the principle of law is public authority. Therefore the end of law ought to be the public and common good. And by this are excluded the mandates of tyrants and others that would be made for proper and private advantage.

> *Dicitur 2° ad bonum commune. Finis enim legis est bonum commune: tum quia lex fertur pro communitate, ut dicam, quam dirigit in finem bonum et honestum, finis autem ille est bonum totius; tum quia finis debet respondere principio, principium autem legis est publica authoritas. Ergo finis legis debet esse bonum publicum et commune. Et per hoc excluduntur mandata tyrannorum et alia quae fierent in proprium et privatum commodum.*

4 It is said 3° by him who has the care of the community: because law is borne for the whole community; for thus the common sense apprehends it, and herein it distinguishes law from precept, which regards one or another, and this is evident by induction. The natural law regards all men; the old law the whole Jewish people; the new law the whole human race; all human laws, both civil and ecclesiastical, are directed to communities. Therefore law must be from him who has the care of the community. Understand a perfect community, which is a multitude of men under the governance of a president having political jurisdiction.

> *Dicitur 3° ab eo qui curam communitatis habet : quia lex fertur pro tota communitate; sic enim apprehendit sensus communis, et in hoc distinguit legem a praecepto, quod unum vel alterum respicit, idque patet inductione. Lex naturalis omnes homines respicit; lex vetus totam gentem Judaicam; lex nova totum genus humanum; omnes leges humanae, tam civiles quam ecclesiasticae, ad communitates diriguntur. Ergo lex debet esse ab eo qui curam communitatis habet. Intellige communitatem perfectam, quae est multitudo hominum sub gubernatione praesidis jurisdictionem politicam habentis.*

5 It is said promulgated: because it cannot direct nor oblige unless it becomes known through promulgation. Whether promulgation is of the essence of law, I will say presently.

> *Dicitur promulgata : quia non potest dirigere nec obligare, nisi per promulgationem innotescat. Utrum promulgatio sit de essentia legis, dicam modo.*

6 From what has been said you will infer that law is something of reason [1], presupposing however an act of the will. The reason of the first part is 1° because, as was said, it is defined as an ordination of reason; 2° because it belongs to law to command and to direct, but imperium is essentially of reason, as we proved in dissert. III, on Human Acts, art. 4; 3° because law is a certain rule and measure of human acts, but the rule and measure of human acts is reason: whence in *Psal.* CXVIII divine judgments, words, utterances are called, all of which pertain to the intellect. The reason of the second part is, because law pertains to practical reason and consists in the act of command. But imperium,

although elicited by the intellect, nevertheless supposes an act of the will, namely election, from which it has the power and efficacy of moving to exercise. Therefore. Confer dissert. cit. And this is the reason why in Scripture and in law law is sometimes set forth under the name of will.

[1] Ibid., a. 1, c.

> *Ex dictis inferes, legem esse aliquid rationis*[1]*, praesupponens tamen actum voluntatis. Ratio primae partis est 1° quia, ut dictum est, definitur ordinatio rationis; 2° quia ad legem pertinet praecipere et imperare, imperium autem est essentialiter rationis, ut probavimus dissert. III, de Actibus humanis, art. 4; 3° quia lex est quaedam regula et mensura actuum humanorum, regula autem et mensura actuum humanorum est ratio : unde* Psal. *CXVIII divinae vocantur judicia, sermones, eloquia, quae omnia pertinent ad intellectum. Ratio secundae partis est, quia lex pertinet ad rationem practicam et consistit in actu imperii. Atqui imperium, quamvis sit elicitive ab intellectu, supponit tamen actum voluntatis, scilicet electionem, a quo habet vim et efficaciam movendi ad exercitium. Ergo. Confer diss. cit. Et haec est ratio cur in Scriptura et in jure lex aliquando efferatur nomine voluntatis.*
>
> [1] *Ibid., a. 1, c.*

Whether promulgation is of the essence of law?

[1] I suppose that some promulgation is necessary for the law in order that it oblige in act: because, as was said, law is the rule of human acts, and these cannot be regulated by it unless it become known; but it becomes known through promulgation.

> *Suppono aliquam promulgationem esse necessariam legi ut actu obliget : quia, ut dictum est, lex est regula actuum humanorum, et hi non possunt per illam regulari, nisi innotescat; innotescit autem per promulgationem.*

[2] I said, some promulgation, because it is different according to the diversity of laws. The eternal law[1] and the natural law is promulgated to each one through the dictate of reason. The positive divine law is promulgated either by internal revelation, as in the prophets, or solemnly, as the old law on Mount Sinai, the new law on the day of Pentecost. Usage, however, has prevailed that human law be always promulgated with some solemnity, and thus reason requires. For since the human legislator bears a double person, private and public, he ought to propose the law in such a way that he signify that he proposes it as a public person, which is done by employing some solemnity.

[1] The eternal law, as such, is not promulgated, but remains hidden in the divine mind. But if it go forth outside the divine mind and be communicated to rational creatures through the intellectual light, then it is for them the natural law; and thus considered it is promulgated to each one through the dictate of reason.

> *Dixi, aliquam promulgationem, quia diversa est pro diversitate legum. Lex aeterna*[1] *et naturalis promulgatur unicuique per rationis dictamen. Lex divina positiva promulgatur, vel per internam revelationem, ut in prophetis, vel solemniter, ut lex vetus in monte Sinai, lex nova in die Pentecostes. Usus autem obtinuit ut lex humana semper promulgaretur cum aliqua solemnitate, et ita ratio exigit. Cum enim legislator humanus gerat duplicem personam, privatam et publicam, ita debet proponere legem, ut significet se eam proponere ut personam publicam, quod fit adhibita aliqua solemnitate.*
>
> [1] *Lex aeterna, ut talis, non promulgatur, sed recondita remanet in mente divina. Si vero extra mentem divinam prodeat et creaturis rationalibus per lumen intellectuale communicetur, tunc ipsis est lex naturalis, et sic considerata unicuique per rationis dictamen promulgatur.*

[3] If you say that promulgation is not required for the revocation of a law, I reply that the revocation of a law is not a law, but the destruction of a law. More is required, however, to constitute a thing than to destroy it. For the reply to the question

Si dicas, ad revocationem legis non requiri promulgationem, resp. revocationem legis non esse legem, sed legis destructionem. Plus autem requiritur ad rem constituendam, quam ad destruendam. Pro responsione ad quaest.

4 [1]

[1] The eternal law, as such, is not promulgated, but remains hidden in the divine mind. But if it go forth outside the divine mind and be communicated to rational creatures through the intellectual light, then it is for them the natural law; and thus considered it is promulgated to each one through the dictate of reason.

1

[1] Lex aeterna, ut talis, non promulgatur, sed recondita remanet in mente divina. Si vero extra mentem divinam prodeat et creaturis rationalibus per lumen intellectuale communicetur, tunc ipsis est lex naturalis, et sic considerata unicuique per rationis dictamen promulgatur.

5 **I say**: It seems more probable that promulgation is not of the essence of law, but is only a condition required irreplaceably in order that it oblige in act, just as, e.g., the proposal of the object is a condition required irreplaceably in order that it be loved.

***Dico**: Probabilius videtur promulgationem non esse de essentia legis, sed esse conditionem dumtaxat insupplebiliter requisitam ut actu obliget, sicut, v. g., propositio objecti est conditio insupplebiliter requisita ut ametur.*

6 *It is proved*. To the essence of law it suffices that it have an aptitude to direct and to oblige; for the essences of things are defined by first act or aptitude, not by second act, as the philosophers teach. But law before promulgation has an aptitude to direct and to oblige; for it has not this aptitude from promulgation, but its actual direction and obligation as from a condition. Therefore.

Probatur. *Ad essentiam legis sufficit quod habeat aptitudinem ad dirigendum et obligandum; essentiae enim rerum per actum primum seu aptitudinem, non per actum secundum definiuntur, ut docent philosophi. Atqui lex ante promulgationem habet aptitudinem ad dirigendum et obligandum; non enim ex promulgatione habet hanc aptitudinem, sed actualem directionem et obligationem tamquam a conditione. Ergo.*

7 *It is confirmed*. Law is the rule by which we are induced to act, or withheld from acting, with some obligation. But promulgation is not a rule, nor part of the rule, nor does the force of obliging, or actual obligation, proceed from it as from a cause, since this ought to be from a superior as from a cause, but only as from a condition: just as heating is not from approximation as from a cause, but from fire, although it depends upon approximation as upon a condition.

Confirmatur. *Lex est regula qua inducimur ad agendum, vel retrahimur ab agendo, cum aliqua obligatione. Atqui promulgatio non est regula, neque pars regulae, neque ab illa tamquam a causa procedit vis obligandi, seu obligatio actualis, quippe quae debet esse a superiore ut a causa, sed tantum tamquam a conditione : sicut calefactio non est ab approximatione tamquam a causa, sed ab igne, licet pendeat ab approximatione tamquam a conditione.*

8 As to St. Thomas, whose mind is disputed, he teaches here a. 4, that promulgation is related to law as the application of the rule to the thing ruled; but the application of the rule is not of its essence, but supposes it constituted. Whence, when he there says that, in order that the law obtain the virtue of obliging, it must be promulgated, he understands the virtue of obliging in second act, not in first act.

Quantum ad D. Thomam, de cujus mente litigatur, docet hie a. 4, quod promulgatio se habeat ad legem sicut applicatio regulae ad regulatum; applicatio autem regulae non est de ejus essentia, sed supponit illam constitutam. Unde, dum ibid.

dicit quod, ut lex virtutem obligandi obtineat, debeat promulgari, intelligit de virtute obligandi in actu secundo, non in actu primo.

9 [Thus Billuart. But proceeding further and restricting the question to positive law, whether divine or human,

[Ita Billuart. Ulterius vero progrediens et quaestionem restringens ad legem positivam, sive divinam, sive humanam,

10 **I say**: Promulgation is of the essence of law.

***Dico** : Promulgatio est de essentia legis.*

11 *It is proved*. 1° That without which a thing has not its own being pertains to its essence. But before promulgation the law has not its own being. Therefore promulgation pertains to the essence of law. — The minor is *proved*. What is only in potency has no being. But so long as the law is not promulgated, it is only in potency. Therefore then it has not its own being. — The minor is evident; for so long as the law is not promulgated, whether it remain hidden in the mind of the legislator, or the legislator have externally manifested his intention of enacting such a law, nothing is perceived except a mere proposal. But this proposal is not law, but only the preparation of the law; and preparation indeed leads a thing toward being, but, until the last act be posited, leaves it in potency. Therefore, so long as the law is not promulgated, it is only in potency.

Probatur. *1° Illud sine quo aliquid esse suum non habet, ad ejus essentiam pertinet. Atqui ante promulgationem lex esse suum non habet. Ergo promulgatio ad essentiam legis pertinet.* — Prob. *min. Quod est tantum in potentia, esse non habet. Atqui, quamdiu lex non est promulgata, est tantum in potentia. Ergo tunc esse suum non habet. — Minor est evidens; nam quamdiu lex non est promulgata, sive maneat recondita in mente legislatoris, sive legislator exterius manifestaverit suam intentionem ferendi talem legem, non percipitur nisi simplex propositum. Atqui hoc propositum non est lex, sed tantum praeparatio legis, et praeparatio ducit quidem rem ad esse, sed, donec actus ultimus ponatur, relinquit eam in potentia. Ergo, quamdiu lex non est promulgata, est tantum in potentia.*

12 2° The law is not fully constituted, that is, it is not true law, unless it have the force of obliging. But the law obtains the force of obliging through promulgation, and not otherwise. Therefore, until it be promulgated, it is not true law. — I subjoin. That without which the law is not true law pertains to its essence. But the law is not true law before promulgation. Therefore promulgation is of the essence of law.

2° Lex non est plene constituta, id est non est vera lex, nisi habeat vim obligandi. Atqui lex vim obligandi obtinet promulgatione, et non aliter. Ergo, donec promulgetur, non est vera lex. — Subsumo. Illud sine quo lex non est vera lex ad ejus essentiam pertinet. Atqui lex non est vera lex ante promulgationem. Ergo promulgatio est de essentia legis.

13 3° Law is an ordinance of reason for the common good. But it is not such unless it be made known to the community; and this making known is promulgation made by him who has the care of the community: whence promulgation is contained in the definition of law. Therefore promulgation is of the essence of law; for the definition expresses the very essence.

3° Lex est ordinatio rationis ad bonum commune. Atqui non est talis, nisi communitati intimetur, et haec intimatio est promulgatio ab eo facta qui curam communitatis habet : unde promulgatio in definitione legis continetur. Ergo promulgatio est de essentia legis; nam definitio essentiam ipsam exprimit.

14 4° The same is proved by the authority of St. Thomas, here q. 90, a. 4.

4° Idem probatur authoritate S. Thomae, hic q. 90, a. 4.

15 The mind of the Master in this place was disputed. Some say with our Billuart: St. Thomas says that promulgation is related to law as the application of the rule to the thing ruled. But the application of the rule is not of its essence, but supposes it already constituted. Therefore the holy Doctor does not place promulgation in the essence of law, but declares only that it is a condition without which the law does not oblige. — If the words of the Angelic Doctor be rightly weighed, his contrary mind will clearly be perceived. In the place cited he solves the following question: « Whether promulgation is of the notion of law? » In the head of the objections the negative proposition is read: « It seems that promulgation is not of the notion of law; » whence whoever has understood the method of the author must straightway conclude that he champions the contradictory proposition, which is equivalent to our proposition; thus he proceeds in the body of the article: « Law is imposed on others by way of rule and measure. But rule and measure are imposed by the fact that they are applied to those things that are ruled and measured. Wherefore, in order that law obtain the force of obliging, which is proper to law, it must needs be applied to men who ought to be regulated according to it. Such application is made by its being brought to their knowledge through promulgation itself. Wherefore promulgation itself is necessary in order that law have its force. And thus from the four things premised may be gathered the definition of law, which is nothing else than a certain ordinance of reason for the common good, promulgated by him who has the care of the community. » This definition is the conclusion of the whole article; and after describing the law in itself and with regard to subjects whose actions he cannot rule and measure unless he reach them through promulgation, St. Thomas places this promulgation in the definition of law. But he would not have assigned this place to promulgation had he not held it essential to law. Therefore he held it as such.

De mente Magistri in hoc loco fuit litigatum. Quidam dicunt cum nostro Billuart: S. Thomas dicit quod promulgatio se habeat ad legem sicut applicatio regulae ad regulatum. Applicatio autem regulae non est de ejus essentia, sed supponit illam jam constitutam. Ergo S. Doctor non ponit promulgationem in essentia legis, sed pronuntiat tantum eam esse conditionem sine qua non ut lex obliget. — Si recte perpendantur verba Angelici, ejus mentem contrariam esseclare perspicietur. Loco citato quaestionem sequentem solvit : « Utrum promulgatio sit de ratione legis? » In capite objectionum propositio negativa legitur: « Videtur quod promulgatio non sit de ratione legis ; » unde quisquis methodum authoris intellexit, statim concludere debet eum propositionem contradietoriam propugnatorum promulgantur, » quod propositioni nostrae aequivalet, sic procedit in corpore articuli: « Lex imponitur aliis per modum regulae et mensurae. Regula autem et mensura imponitur per hoc quod applicatur his quae regulantur et mensurantur. Unde ad hoc quod lex virtutem obligandi obtineat, quod est proprium legis, oportet quod applicetur hominibus qui secundum eam regulari debent. Talis autem applicatio fit per hoc quod in notitiam eorum deducitur ex ipsa promulgatione. Unde promulgatio ipsa necessaria est ad hoc quod lex habeat suam virtutem. Et sic ex quatuor praedictis potest colligi definitio legis, quae nihil aliud est quam quaedam rationis ordinatio ad bonum commune ab eo qui curam communitatis habet promulgata. » Definitio haec est conclusio totius articuli, et postquam legem descripsit in se et quantum ad subditos, quorum actiones non potest regulare et mensurare, nisi eos attingat per promulgationem, S. Thomas hanc promulgationem ponit in definitione legis. Atqui promulgationi hunc locum non assignasset, si eam ut essentialem legi non habuisset. Ergo ut talem eam habuit.

16 *It is confirmed* by the axiom of law related above, dist. 4, cap. 3: « Laws are instituted when they are promulgated, » where the promulgation of the law is given as its very institution. Therefore from promulgation the law receives that it is true law. Therefore promulgation is of the essence of law.

And this is intimated by Justinian, saying, c. de Legib., in leg.: « The most sacred laws ought to be understood by all, that all, their precept being more clearly understood, may decline what is forbidden and do what is commanded. »

> Confirmatur *axiomate juris supra relato, dist. 4, cap. 3 : « Leges instituuntur cum promulgantur, » ubi promulgatio legis traditur ut ipsius institutio. Ergo ex promulgatione lex accipit quod sit vera lex. Ergo promulgatio est de essentia legis. Et hoc insinuatum est a Justiniano dicente, c. de Legib., in leg. : « Leges sacratissimae intelligi ab omnibus debent, ut universi, praescripto earum manifestius intellecto, prohibita declinent et faciant praecepta. »*

17 *You will say*: The law obliges not only those to whom it has already become known, but also those who are ignorant of it, as appears in laws irritating contracts, which produce their effect even toward those to whom they are wholly unknown. Therefore promulgation is not necessary in order that the law oblige. Therefore consequently it is not of the essence of law.

> Dices*: Lex obligat, non solum eos quibus jam innotuit, sed et eos qui illam ignorant, ut patet in legibus irritantibus contractus, quae suum producunt effectum etiam erga eos quibus sunt prorsus incognitae. Ergo promulgatio non est necessaria ut lex obliget. Ergo consequenter non est de essentia legis.*

18 *I answer.* I deny the consequence. For it is one thing the divulgation of a law, another its promulgation, as the Salmanticenses note, cap. 1, n. 74. For divulgation there is required that the law become personally known to each subject; for promulgation indeed it suffices that it have been notified generally to the community, so that any private person can easily come to know it. Further, the law does not receive its intrinsic virtue of obliging from divulgation, but from promulgation, so that as soon as it has been intimated to the community it binds all subjects at least in the external forum, since all are juridically presumed not to be ignorant of it. A distinction must be made between irritating laws, by which subjects, even though unknowing, are rendered unfit in either forum for determinate acts, on account of the motive of the public good, and laws which render certain acts illicit and bind conscience.

> Resp. *Nego conseq. Aliud est enim legis divulgatio, aliud ejus promulgatio, ut notant Salmanticenses, cap. 1, n. 74. Ad divulgationem requiritur ut lex cuilibet subdito personaliter innotescat, ad promulgationem vero sufficit ut communitati generaliter fuerit notificata, ita ut quilibet privatus facile possit eam cognoscere. Porro virtutem intrinsecam obligandi lex non accipit ex divulgatione, sed ex promulgatione, ita ut statim ac communitati fuit intimata, omnes subditos saltem in foro externo obstringat, cum omnes juridice censeantur eam non ignorare. Distinguumdum est inter leges irritantes, quibus subditi, etiam inscii, in utroque foro redduntur inhabiles ad actus determinatos, propter motivum boni publici, et leges quae actus quosdam illicitos efficiunt et conscientiam ligant.*

19 Laws of the latter kind are true laws once they have been intimated to the community, and toward all they hold their obligatory force. But if they have been insufficiently divulged, so that they have not become known to some, although even toward subjects of this kind they rejoice in all the marks of true law, nevertheless they do not bind them in the internal forum, because these are laboring in invincible ignorance, which excuses from formal sin; and respectively toward them such laws ought to be regarded as not promulgated. And in this sense we understood the principle: « A doubtful law is no law, » in our dissertation on moderate Probabilism.

> *Posterioris generis leges sunt verae leges, cum fuerunt communitati intimatae et erga omnes vim suam obligatoriam habent. Si vero fuerint insufficienter divulgatae, ita ut aliquibus non innotuerint, quamvis etiam erga hujusmodi subditos cunctis dotibus vera legis gaudeant, non tamen eos in foro interno ligant, quia isti versantur in ignorantia*

invincibili, quae a peccato formali excusat, et respective ad eos tales leges haberi debent ut non promulgatae. Et in hoc sensu intelleximus principium : « Lex dubia, lex nulla, » in dissertatione nostra de Probabilismo moderato.

20 *You will ask* whether a sufficiently promulgated law obliges all, even those who invincibly are ignorant of it.

Petes *utrum lex sufficienter promulgata obliget omnes etiam illam invincibiliter ignorantes.*

21 *I answer.* More probably affirmatively: because 1° the law in promulgation is directed not only to those present, but also to the absent. Therefore it comprehends them also. 2° Because, if a credible private person denounce to an absent person a sufficiently promulgated law, he will be bound to observe the law, and will sin by transgressing it. But this obligation does not arise from that private denouncer. Therefore from the promulgated law. Therefore before the denunciation it obliged.

Resp. *probabilius affirmative : quia 1° lex in promulgatione non dirigitur ad solos praesentes, sed etiam ad absentes. Ergo eos etiam comprehendit. 2° Quia, si privatus fide dignus denuntiet absenti legem sufficienter promulgatam, ille tenebitur legem observare, et peccabit illam transgrediendo. Atqui haec obligatio non oritur ex illo privato denuntiante. Ergo ex lege promulgata. Ergo ante denuntiationem obligabat.*

22 Nevertheless all concede that those who invincibly are ignorant are excused from fault and from punishment for transgressing the law; but if the law were not only prohibitory but also irritative of some act, the act would be invalid even in one invincibly ignorant, as, e.g., clandestine marriage in places in which the Tridentine [decree] is sufficiently promulgated.

Attamen omnes concedunt ignorantes invincibiliter excusari a culpa et a poena, transgrediendo legem; sed, si esset lex non solum prohibens, sed etiam irritans aliquem actum, actus etiam in ignorante invincibiliter esset invalidus, ut, v. g., matrimonium clandestinum in locis in quibus est sufficienter promulgatum Tridentinum.

Who can make laws?

1 **I say** 1°: Legislative power belongs to the community, or to him who bears the care of the community [1].

1 Ibid. a. 3, c.

***Dico** 1°: Potestas legislativa competit communitati vel illi qui curam communitatis gerit*[1].

[1] *Ibid. a. 3, c.*

2 *It is proved*. To found law belongs to him whose it is to provide for the common good; because, as was said, laws are enacted on account of the common good. Yet to provide for the common good belongs to the community, or to him who has the care of the community; for as particular good is an end proportioned to a particular agent, so the common good is an end proportioned to the community, or to him exercising its functions. Ergo.

Probatur. *Illius est condere legem, cujus est prospicere bono communi; quia, ut dictum est, leges feruntur propter bonum commune. Atqui est communitatis, vel illius qui curam communitatis habet, prospicere bono communi; sicut enim bonum particulare est finis proportionatus agenti particulari, ita bonum commune est finis proportionatus communitati, vel ejus vices gerenti. Ergo.*

3 But true, because this governing and legislative power cannot easily be exercised by the whole multitude — for it would be difficult for all and singular to assemble at once as often as provision

must be made for things necessary to the common good and for enacting laws — therefore the multitude is wont to transfer its right, or governing power, either into certain men from every condition of the people, and it is called democracy; or into few optimates, and it is called aristocracy; or into one only, whether for himself alone or for successors by hereditary right, and it is called monarchy.

> *Verum, quia haec potestas gubernativa et legislativa non potest facile exerceri a tota multitudine, difficile namque foret omnes et singulos simul convenire toties quoties providendum est de necessariis bono communi et de legibus ferendis, ideo solet multitudo transferre suum jus, seu potestatem gubernativam, vel in aliquos de populo ex omni conditione, et dicitur democratia; vel in paucos optimates, et dicitur aristocratia; vel in unum tantum, sive pro se solo, sive pro successoribus jure haereditario, et dicitur monarchia.*

4 This legislative power over Christians, especially the just, the Lutherans and Calvinists deny to the Church, herein following the Waldenses, Wiclif and John Hus condemned in the council of Constance. Against whom

> *Hanc potestatem legislativam in Christianos, maxime justos, denegant Ecclesia Lutherani et Calvinistae, in hoc secuti Valdenses, Wiclefum et Joannem Hus damnatos in concilio Constantiensi. Contra quos*

5 **I say** 2°: There exists in the Church of Christ legislative power.

> ***Dico** 2º : Datur in Ecclesia Christi potestas legislativa.*

6 It is *proved* 1° by tradition. The Apostles themselves, *Act.*, XV, 28 et 29,

> Probatur *1° traditione. Ipsi Apostoli,* Act*., XV, 28 et 29,*

7 [1]

[1] Ibid. a. 3, c.

> *[1]*
>
> *[1] Ibid. a. 3, c.*

8 enacted the law of abstaining from things strangled and from things sacrificed to idols. And ibid., 41, it is said of Paul: He went about..., commanding them to keep the precepts of the Apostles. From which it is understood that this law of the Apostles was not directive only, as heretics feign, but also preceptive. From the Apostles until now, the Church through holy Pontiffs and councils has founded laws which all the faithful have venerated.

> *tulerunt legem de abstinendo a suffocato et ab immolatis simulacrorum. Et ibid., 41, dicitur de Paulo : Perambulabat..., praecipiens custodire praecepta Apostolorum. Ex quo intelligitur hanc legem Apostolorum non fuisse directivam tantum, ut fingunt haeretici, sed etiam praeceptivam. Ab Apostolis usque nunc, Ecclesia per SS. Pontifices et concilia condidit leges quas venerati sunt omnes fideles.*

9 2° By reason. The Church of Christ is a republic well ordered; for Christ did not fail her in anything. Yet in every well-ordered republic there ought to be, for emerging circumstances and necessities, legislative power: otherwise it will collapse. Ergo.

> *2° ratione. Ecclesia Christi est respublica bene ordinata ; non enim ei defuit in aliquo Christus. Atqui in omni republica bene ordinata debet esse pro circumstantiis et necessitatibus emergentibus potestas legislativa: alias corruet. Ergo.*

10 Now this power resides in the supreme Pontiff and general councils legitimately assembled, for the whole Church; in legates, for the provinces of their legation; in bishops, with counsel of chapter, for their diocese; in national and provincial councils, for the nation or province; in general assemblies of religious orders, for the whole order.

> *Haec autem potestas residet in summo Pontifice et conciliis generalibus legitime congregatis, pro tota Ecclesia ; in legatis, pro provinciis suae legationis; in episcopis, de consilio capituli, pro sua dioecesi; in conciliis nationalibus et provincialibus, pro natione vel provincia; in comitiis generalibus ordinum religiosorum, pro toto ordine.*

11 [Obj. 1°: Either Christ sufficiently provided for his Church, or not. Second alternative is wickedness of the day. If the first, ergo human laws are superfluous.

> *[Obj. 1° : Vel Christus sufficienter providit suae Ecclesiae, vel non. Secundum diei nequit. Si primum, ergo superfluunt leges humanae.*

12 *I answer.* That Christ sufficiently provided for his Church by founding essential laws and leaving to the Church itself the power of founding those which ought to arise from the former, according as he should judge expedient for the common good by exigency of circumstances, persons and places. For it appears that this power is necessary to the Church, that she may be able to rule the Christian people fittingly.

> *Resp. Christum sufficienter providisse suae Ecclesiae condendo leges essentiales et relinquendo Ecclesiae ipsi potestatem condendi eas quae e prioribus oriri debent, prout judicaret bono communi expedire pro circumstantiarum, personarum et locorum exigentia. Patet enim hanc potestatem necessariam esse Ecclesiae, ut populum christianum convenienter possit regere.*

13 Obj. 2° from heretics and especially Protestants: The Church is a certain college existing within an empire and under territorial power or superiority. Yet any college whatsoever has not the right of founding laws, but is subject to the laws of the empire; for it is repugnant that in the same republic there be two supreme legislators. Ergo.

> *Obj. 2º ab haereticis et maxime a Protestantibus : Ecclesia est collegium quoddam in imperio et sub potestate vel superioritate territoriali existens. Atqui collegium quodcumque non habet jus condendi leges, sed subest legibus imperii; repugnat enim esse in eadem republica duos summos legislatores. Ergo.*

14 *I answer.* I deny the major. 1° The Church is a society, city and kingdom perfect, as it is described in sacred letters and by the Fathers. This society is not confined within the limits of one civil empire, but embraces the whole world, because Christ came into the world that he might save all men, *I Tim.*, II, 4. Whence he willed his Church diffused everywhere to be one, and this association to be bound and joined together with the same bonds in those things which pertain either to faith or to morals. He willed moreover that it be perpetual, and promised that it would endure unto the consummation of the world, *Matth.*, XXVIII, 20. All which do not suffer the straits and instability of temporal empires. 2° Colleges cannot be instituted without permission of the prince, who can suppress them if their affairs and ends pertain to the genus of things committed to him. Yet the Church was instituted, not only without permission of princes, but while they contradicted and strove to destroy her, and the affairs which she has charge of do not pertain to the genus of things committed to the prince. Ergo she is not constituted under the authority of the prince. 3° Indeed two supreme legislators cannot coexist in the same republic, supposed that both powers be exercised in the same genus and have the administration of the same thing. But the genus of both civil and ecclesiastical power differs

entirely, because the things committed to each differ entirely. This indeed has charge of sacred and divine things, and watches over spiritual and eternal goods of the faithful; that, governing civil society, studies earthly and temporal goods of citizens. Each therefore is supreme in its own things, each having its parts. Whence it is falsely asserted that a state within a state is constituted, if the Church vindicates to herself legislative power in her own order. Hence Jerome used to say, *Ep.* 77, ad Ocean., n. 2: « Other are the laws of the Caesars, other those of Christ; another thing Papinian commands, another our Paul. » And Pope Gelasius, in can. Duo sunt, dist. 96: « Two there are by which this world is principally ruled, the sacred authority of priests and the royal power. »]

Resp. Nego maj. 1º Ecclesia est societas, civitas et regnum perfectum, ut in sacris litteris et a Patribus describitur. Haec societas non coarctatur limitibus unius imperii civilis, sed universum orbem complectitur, quia Christus venit in mundum ut omnes homines salvos faceret, I Tim.*, II, 4. Unde Ecclesiam suam ubique diffusam unam esse voluit, et hanc consociationem iisdem vinculis necti atque jugari in his quae sive ad fidem sive ad mores pertinent. Voluit insuper eam esse perpetuam, ac duraturam esse promisit usque ad consummationem saeculi,* Matth.*, XXVIII, 20. Quae omnia non patiuntur angustias et instabilitatem imperiorum temporalium. 2º Collegia institui non possunt sine venia principis, qui potest ea supprimere, si eorum res et fines ad genus rerum illi commissarum pertineant. Atqui Ecclesia fuit instituta, non solum absque venia principum, sed ipsis contradicentibus et eam destruere conantibus, et res quas curat ad genus rerum principi commissarum non pertinent. Ergo sub authoritate principis non constituitur. 3° Equidem non possunt coexistere in eadem republica duo summi legislatores, supposito quod utraque potestas in eodem genere versaretur et ejusdem rei procurationem haberet. Sed utriusque potestatis civilis et ecclesiastica genus omnino differt, quia differunt omnino res utrique commissae. Haec nimirum res sacras atque divinas curat, ac spiritualibus et aeternis fidelium commodis invigilat; illa, civilem societatem gubernans, terrestribus et temporalibus civium commodis studet. Utraque ergo in rebus suis est summa, utraque partes suas habens. Unde falso asseritur statum in statu constitui, si Ecclesia in suo ordine potestatem legislativam sibi vindicet. Hinc aiebat Hieronymus,* Ep. *77, ad Ocean., n. 2 : « Aliae sunt leges Caesarum, aliae Christi; aliud Papinianus, aliud Paulus noster praecipit. » Et Gelasius papa, in can. Duo sunt, dist. 96 : « Duo sunt quibus principaliter hic mundus regitur, authoritas sacra pontificum et regalis potestas. »]*

15 **I say** 3°: Legislative power does not depend upon probity of life. Whence every prince holds it, as well secular as ecclesiastical, whether good or evil.

***Dico** 3° : Potestas legislativa non pendet a probitate vitae. Unde ea pollet omnis princeps, tam saecularis quam ecclesiasticus, sive bonus sit, sive malus.*

16 *It is proved*. Christ himself, *Matth.*, XXII, 21, commanded tribute be paid to Caesar, a heathen prince. Ibid., XXIII, 2 et 3, he commands obedience to Scribes and Pharisees commanding according to the law, though wicked and impious. The Apostle, ad *Rom.*, XIII, 4 et 5, teaches that princes, even infidels, are ministers of God, and that they must be obeyed, not only because of wrath, but also for conscience' sake. The same, ad *Tit.*, III, 1, and *1 Petr.*, II, 13-15. Whence the following propositions were justly condemned in the council of Constance, first session, 8: « No one is civil lord, no one prelate, no one bishop, while he is in mortal sin. » It is 13 of Wiclif. The other, session XV: « No one exercises the office of Christ or Peter unless he follow him in morals. » It is 12 of John Hus.

Probatur. *Christus ipse,* Matth.*, XXII, 21, jussit tributum solvi Caesari, principi ethnico. Ibid., XXIII, 2 et 3, jubet obedire Scribis et Pharisaeis secundum legem praecipientibus, quamvis malis et improbis. Apostolus, ad* Rom.*, XIII, 4 et 5, docet principes, etiam infideles, esse Dei ministros, ipsisque parendum esse, non solum propter iram, sed etiam propter conscientiam. Idem, ad* Tit.*, III, 1, et* 1 Petr.*, II, 13-15. Unde jure damnatae sunt sequentes propositiones in concilio Constantiensi, prima sess., 8 : « Nullus est dominus civilis, nullus est praelatus, nullus est episcopus, dum est in peccato*

mortali. » Est 13 Wicleffi. Altera, sess. XV : Nemo gerit vicem Christi vel Petri, nisi sequatur eum in moribus. » Est 12 Joannis Hus.

17 *You will ask* of how many kinds laws are.

Petes *quotuplicis generis sint leges.*

18 *I answer.* that they are of fourfold kind [1]. One is eternal; another natural; another divine positive, and this twofold, old and new; another human, and this again twofold, ecclesiastical and civil.

1 Here q. 91. — 2. Here q. 91, a. 1, c.

Resp. esse quadruplicis generis[1]. Alia est aeterna; alia naturalis; alia divina positiva, et haec duplex, vetus et nova ; alia humana, et haec iterum duplex, ecclesiastica et civilis.

1 Hic q. 91. — 2. Hic q. 91, a. 1, c.

On the Eternal and the Natural Law

DISSERTATION II

DISSERTATIO II

ON THE ETERNAL AND NATURAL LAW

DE LEGE AeTERNA ET NATURALI

3 St. Thomas, qq. 93 and 94.

D. Thomas, qq. 93 et 94.

On the eternal law

1 [You will ask 1º whether there is given in God an eternal law.

[Petes 1º an detur in Deo lex aeterna.

2 Resp. affirmatively, and I prove it[2] . Law is nothing else than the dictate of practical reason in the ruler who governs some perfect community. Yet such a dictate is from eternity in God, as in the ruler governing the whole

2 Hic q. 91, a. 1, c.

Resp. affirmative et probo[2]. Lex nihil aliud est quam dictamen rationis practicae in principe qui gubernat aliquam communitatem perfectam. Atqui tale dictamen est ab aeterno in Deo, tamquam in principe gubernante totam

2 Hic q. 91, a. 1, c.

3 1

1 Hic q. 91. — 2. Hic q. 91, a. 1, c.

1

[1] *Hic q. 91. — 2. Hic q. 91, a. 1, c.*

4 community of the universe. Therefore. — *Prob.* min. The whole community of the universe is governed by divine providence, as stands established *1ª p.*, q. 22, a. 1 and 2. Yet providence concerning singulars supposes the dictate of practical reason concerning universals, and is inferred from it as conclusion from principles. Moreover the divine reason conceives nothing in time but has an eternal concept, as said of Wisdom, *Prov.*, VIII, 22 and 23 : The Lord possessed me in the beginning of his ways, before he made any thing from the beginning. From eternity I was ordained. Therefore there is given in God from eternity a dictate, etc.]

universi communitatem. Ergo. — Prob. *min. Tota universi communitas regitur divina providentia, ut constat* 1ª p., *q. 22, a. 1 et 2. Atqui providentia circa singula supponit dictamen rationis practicae circa universalia, et ex illo infertur sicut conclusio ex principiis. Insuper divina ratio nihil concipit in tempore, sed habet aeternum conceptum, ut dicitur de Sapientia,* Prov., *VIII, 22 et 23 : Dominus possedit me in initio viarum suarum, antequam quidquam faceret a principio. Ab aeterno ordinata sum. Ergo datur in Deo ab aeterno dictamen, etc.]*

5 You will ask 2° what eternal law is.

Petes 2° quid sit lex aeterna.

6 Resp[1] . Eternal law is nothing else than the reason of the divine wisdom, according as it is directive of the actions and motions of creatures toward the common good of the whole universe.

[1] Hic q. 93, a. 1, c. — 2. Ibid.

Resp[1]. Lex aeterna nihil aliud est quam ratio divinae sapientiae, secundum quod est directiva actionum et motionum creaturarum in ordine ad bonum commune totius universi.

[1] *Hic q. 93, a. 1, c. — 2. Ibid.*

7 *It is proved* [2] . As in any artisan there preexists the reason of those things constituted by art, so in any governor there preexists the reason of the order of things to be done through those subjected to his governance: and as the reason of things made through art is called art or exemplar of the things crafted, so the reason of the governor governing the acts of subjects obtains the notion of law, other things being preserved which we said above belong to the notion of law. Yet God is not only through his power creator of all things, to which he is compared as artisan to the thing crafted, as said *1ª p.*, q. 14, a. 8, c. But he is also governor of all acts and motions found in creatures, as had ibidem, q. 103, a. 5, c. Therefore, as the reason of the divine wisdom whereby all things are created has the notion of art or exemplar, or idea; so the reason of the divine wisdom moving and directing all things to their due end obtains the notion of law.

[2] Ibid.

Probatur[2]. *Sicut in quolibet artifice praeexistit ratio eorum quae constituuntur per artem, ita in quolibet gubernante praeexistit ratio ordinis eorum quae agenda sunt per eos qui gubernationi subjiciuntur : et sicut ratio rerum faciendarum per artem vocatur ars vel exemplar rerum artificiatarum, ita ratio gubernantis actus subditorum rationem legis obtinet, servatis aliis quae supra diximus esse de legis ratione. Atqui Deus non solum est per suam potentiam conditor universarum rerum, ad quas comparatur sicut artifex ad artificiatum, ut dictum est* 1ª p., *q. 14, a. 8, c. Sed est etiam gubernator omnium actuum et motionum quae inveniuntur in creaturis, ut ibidem, q. 103, a. 5, c, habitum est. Ergo, sicut ratio divinae sapientiae, in quantum per eam cuncta sunt creata, rationem habet artis vel exemplaris, vel ideae; ita ratio divinae sapientiae moventis et dirigentis omnia ad debitum finem, obtinet rationem legis.*

[2] *Ibid.*

[8] [The eternal law therefore differs from the divine idea, insofar

[Differt itaque lex aeterna ab idea divina, in quantum

[9] [1]

[1] Hic q. 93, a. 1, c. — 2. Ibid.

[1]

[1] Hic q. 93, a. 1, c. — 2. Ibid.

[10] the divine idea is the exemplar of things to be made, while the eternal law is the order of things to be governed, either inferring necessity upon them, as in natural things, or inducing moral obligation, as in intellectual creatures. They differ with respect to law as conclusion with respect to universal principle; and as in us law hands down rules in general according to which prudence dictates what is to be done here and now, so in God the eternal law hands down rules in general for the government of the whole world, according to which providence, which is part of prudence, disposes in particular concerning the motions of creatures. From which it follows that the eternal law has truly and properly the notion of law, at least with respect to intellectual creatures, since it is an ordination of reason toward the common good by him who has care of the community. With respect however to irrational creatures it does not seem to have properly and strictly the notion of law, because these beings are not capable of instruction and moral obligation, which law strictly taken imports. It has therefore respect to them imperfectly and improperly the notion of law, inasmuch as it directs them in their motions through instinct or natural necessity.

idea divina est exemplar rerum faciendarum, lex aeterna autem est ordo rerum gubernandarum, vel inferens eis necessitatem, ut in rebus naturalibus, vel inducens obligationem moralem, ut in creaturis intellectualibus. Difvidentia ad legem sicut conclusio ad principium universale, et sicut in nobis lex tradit regulas in generali, juxta quas prudentia dictat quid hic et nunc agendum sit, ita in Deo lex aeterna tradit regulas in generali pro gubernatione totius mundi, juxta quas providentia, quae est pars prudentiae, disponit in particulari de motibus creaturarum. Ex quibus sequitur, legem aeternam habere vere et proprie rationem legis, saltem respectu creaturarum intellectualium, cum sit ordinatio rationis in bonum commune ab eo qui curam habet communitatis. Respectu vero creaturarum irrationalium non videtur habere proprie et stricte rationem legis, quia haec entia non sunt capacia instructionis et obligationis moralis, quas importat lex stricte sumpta. Habet ergo respectu earum imperfecte et improprie rationem legis, quatenus eas dirigit in suis motibus per instinctum aut necessitatem naturalem.

[11] *Note* that positive divine law, as it is in God the legislator, is the very eternal law inadequately taken, both because it does not extend to so many [things] nor under so diverse a connotate, and because it connotes existing creatures to whom it is intimated. As considered truly in those who direct themselves according to it or publish it, it is a participation of the eternal law and derived from it.]

Nota *legem divinam positivam, prout est in Deo legislatore, esse ipsam legem aeternam, sed inadaequate sumptam, tum quia illa non extenditur ad tot et sub tam diverso connotato, tum quia connotat creaturas existentes quibus intimatur. Prout vero consideratur in his qui seipsos secundum illam dirigunt vel illam publicant, est participatio legis aeternae et ab ea derivatur.]*

[12] *You will ask* 3° whether all other laws are derived from the eternal law.

> Petes *3° utrum a lege aeterna deriventur omnes aliae leges*.

13 *Resp.* affirmatively[1] .

1 Ibid., a. 3, o.

> Resp. *affirmative*[1].
>
> 1 *Ibid., a. 3, o.*

14 *It is proved* 1°. *Prov.*, VII, 15: eternal Wisdom, whose reason is the eternal law, says: By me kings reign and lawmakers decree just things. *Rom.*, XIII, 1 : *There is no power but from God*.

> Probatur *1°*. Prov., *VII, 15, Sapientia aeterna, cujus ratio est lex aeterna, dicit : Per me reges regnant et legum conditores justa decernunt*. Rom., *XIII, 1 :* Non est potestas, nisi a Deo.

15 *It is proved* 2°. In all subordinate movers it is necessary that the virtue of the second mover be derived from the virtue of the first mover, because the second mover moves not unless insofar as it is moved by the first [1] . Yet to govern is a certain moving. Therefore in governors it is necessary that the reason of governing be derived from the first governor to the second ones. And thus we see that the reason of things done in a city is derived from the prince to inferior administrators, and in artificial things the reason of artificial acts is derived from the architect to inferior artisans. — *I subsume*. Yet the eternal law is the reason of government in the first and supreme governor. Therefore all reasons of government, consequently all laws which are in inferior governors, are derived from the eternal law.

1 Ibid., o.

> Probatur 2°. *In omnibus moventibus subordinatis oportet quod virtus secundi moventis derivetur a virtute primi moventis, quia movens secundum non movet, nisi in quantum movetur a primo*[1]*. Atqui gubernare est quoddam movere. Ergo in gubernantibus oportet quod ratio gubernandi a primo gubernante ad secundos derivetur. Et ita videmus quod ratio agendorum in civitate derivetur a principe ad inferiores administratores, et in artificialibus ratio artificialium actuum derivatur ab architecto ad inferiores artifices.* — Subsumo. *Atqui lex aeterna est ratio gubernationis in primo et supremo gubernante. Ergo omnes rationes gubernationis, consequenter omnes leges quae sunt in inferioribus gubernantibus, a lege aeterna derivantur.*
>
> 1 *Ibid., o.*

16 *It is confirmed*. The eternal law is law by essence, but all other laws are laws by participation. Yet what is such by participation is derived from what is such by essence, as heat in water derived from fire. Therefore.

> Confirmatur. *Lex aeterna est lex per essentiam, omnes autem aliae leges sunt leges per participationem. Atqui quod est tale per participationem, derivatur ab eo quod est tale per essentiam, sicut calor in aqua derivatur ab igne. Ergo.*

17 Laws can be understood to be derived from the eternal law in a *threefold* manner: 1° As from an exemplar; because all laws, that they be just, must be conformable to the eternal law. 2° As from an efficient cause; because every inferior legislative power is from God, inasmuch as God, instituting human nature as social, conferred upon it governing and legislative power, without which society or community would not subsist, according to that word *Prov.*, XI, 14 : *Where there is no governor, the people shall fall*. But the community, since it could not easily exercise this power through itself, conferred it upon few or one, as I said in the preceding dissertation. Whence every power is efficiently from God

mediately or immediately. 3° Inasmuch as the eternal law, through the mediation of the light of reason or faith, dictates and approves which and when laws are to be instituted on account of the diversity of circumstances, persons, places and times.

> Tripliei *autem modo potest intelligi leges alias ab aeterna derivari : 1° Tamquam ab exemplari; quia omnes leges, ut sint justae, debent esse conformes legi aeternae. 2° Tamquam a causa efficiente; quia omnis potestas legislativa inferior est a Deo, quatenus Deus, instituens naturam humanam ut socialem, contulit illi potestatem gubernativam et legislativam, sine qua societas seu communitas non subsisteret, juxta illud* Prov., *XI, 14 :* Ubi non est gubernator, populus corruit. *Communitas autem cum non posset facile hanc potestatem exercere per seipsam, illam contulit paucis, vel uni, ut dixi dissert. praecedenti. Unde omnis potestas est efficienter a Deo mediate vel immediate. 3° Quatenus lex aeterna, mediante lumine rationis vel fidei, dictat et approbat quae et quando leges sint instituendae pro diversitate circumstantiarum, personarum, locorum et temporum.*

18 [Note, for the solution of objections regarding the natural law, that it can be considered in two ways: 1° Taken materially on account of its foundation, which is the relation of convenience or inconvenience of extremes among themselves, precisely as from the nature of the thing, abstracting from existence: as that to worship God is good and convenient, to lie evil and inconvenient. In this sense the natural law is not derived from the eternal law; for even if per impossibile God willed or understood nothing, to worship God would be good in itself, to lie indeed evil; which is called fundamentally good and evil. 2° The natural law can be taken formally for the dictate of reason judging of that honesty and turpitude of objects in themselves, and at the same time deciding conformably to the eternal law that God is to be worshiped, mendacity however avoided. And in this sense the natural law is derived from the eternal law, because it is a dictate impressed by God, conformable to the eternal dictate as to exemplar.]

> *[Nota pro solutione objectionum quoad legem naturalem, eam considerari posse dupliciter : 1° Materialiter sumitur ratione sui fundamenti, quod est habitudo convenientiae vel disconvenientiae extremorum inter se, quantum est ex natura rei praecise, abstrahendo ab existentia : ut quod colere Deum sit bonum et conveniens, mentiri malum et disconveniens. Hoc sensu lex naturalis non derivatur a lege aeterna; nam, etsi per impossibile Deus nihil vellet aut intelligeret, colere Deum esset secundum se bonum, mentiri vero malum; quod dicitur bonum et malum fundamentaliter. 2° Potest sumi lex naturalis formaliter pro dictamine rationis judicantis de ista honestate et turpitudine objectorum secundum se, simulque decernentis conformiter ad legem aeternam, Deum esse colendum, mendacium autem vitandum. Et hoc sensu lex naturalis derivatur a lege aeterna, quia est dictamen a Deo impressum, aeterno dictamini, ut exemplari, conforme.]*

On the natural law

1 D. Thomas, q. 94.

> *D. Thomas, q. 94.*

2 [*You will ask* 1° whether natural law be given in us.

> *[*Petes *1° utrum detur in nobis lex naturalis.*

3 *I answer.* in the affirmative.

> Resp. *affirmative.*

4 *It is proved.* 1° from the Apostle, *Rom.*, II, 14 and 15: The nations who have not the law, namely the Mosaic or Evangelical law, naturally do those things that are of the law. Such as have not the law are a

law to themselves, who show the work of the law written in their hearts. From St. Ambrose, lib. IX, epist. 71: « That law is not written but innate, nor is it perceived by any reading, but is expressed in each one by a flowing fountain of nature; » from St. Augustine, lib. II *Confess.*, c. 4, n. 9: « Thy law, O Lord, law written in the hearts of men, which not even iniquity itself erases, » and lib. II *de Sermone Domini in monte*, c. 9, n. 32: « Who wrote in the hearts of men the natural law, save God? »

> Prob. *1° ex Apost.,* Rom.*, II, 14 et 15 : Gentes quae legem non habent, scilicet Mosaicam aut Evangelicam, naturaliter ea quae legis sunt faciunt. Ejusmodi legem non habentes, ipsi sibi sunt lex, qui ostendunt opus legis scriptum in cordibus suis. Ex S. Ambrosio, lib. IX, epist. 71 : « Ea lex non scribitur, sed innascitur, nec aliqua percipitur lec tione, sed profluo quodam naturae fonte in singulis exprimitur; » ex S. Augustino, lib. II* Confess.*, c. 4, n. 9 : « Lex tua, Domine, lex scripta in cordibus hominum, quam ne ipsa quidem delet iniquitas, » et lib. II* de Sermone Domini in monte*, c. 9, n. 32 : « Quis scripsit in cordibus hominum naturalem legem, nisi Deus ? »*

5 *It is proved.* 2° by reason[1]. « Law, says St. Thomas, since it be a rule and measure, can be in someone in a twofold way: in one mode, as in the ruler and measurer; in another mode, as in the ruled and measured, because insofar as it participates something of rule or measure, so is it ruled or measured. Whence, since all things which are subject to divine providence are regulated and measured by the eternal law, it is manifest that all things participate after a manner in the eternal law, namely insofar as from its impression they have inclinations into their proper acts and ends. — But among other things the rational creature is subject to divine providence in an excellent manner, insofar as it itself becomes a partaker of providence, providing for itself and for others. Whence also in it is participated eternal reason, whereby it has a natural inclination to its due act and end. And such participation of the eternal law in the rational creature is called natural law. »

1 Here q. 91, a. 2, o.

> Prob. 2° *ratione*[1]*. « Lex, inquit S. Thomas, cum sit regula et mensura, dupliciter potest esse in aliquo : uno modo, sicut in regulante et mensurante; alio modo, sicut in regulato et mensurato, quia in quantum participat aliquid de regula vel mensura, sic regulatur vel mensuratur. Unde, cum omnia quae divinae providentiae subduntur, a lege aeterna regulentur et mensurentur, manifestum est quod omnia participant aliqualiter legem aeternam, in quantum scilicet ex impressione ejus habent inclinationes in proprios actus et fines. — Inter caetera autem rationalis creatura excellentiori quodam modo divinae providentiae subjacet, in quantum et ipsa fit providentiae particeps, sibi ipsi et aliis providens. Unde et in ipsa participatur ratio aeterna, per quam habet naturalem inclinationem ad debitum actum et finem. Et talis participatio legis aeternae in rationali creatura lex naturalis dicitur. »*
>
> *1 Hic q. 91, a. 2, o.*

6 *It is confirmed* by the intimate sense and testimony of everyone. For there is no one who does not experience in himself some dictate intimating and commanding that good must be done, evil avoided, God adored, parents honored, lying not committed, stealing not done, etc., in all of which, as the Apostle says, *Rom.*, II, 15, their conscience rendering testimony to them. But this dictate is called natural law.]

> Confirmatur *ab intimo cujusque sensu et testimonio. Nemo est enim qui in se non experiatur aliquod dictamen intimans et praecipiens bonum esse faciendum, malum esse fugiendum, Deum esse colendum, parentes esse honorandos, non esse mentiendum, non furandum, etc., in his omnibus, ut ait Apostolus,* Rom.*, II, 15, testimonium reddente illis conscientia ipsorum. Hoc autem dictamen dicitur lex naturalis.]*

7 *You will ask* 2° what natural law is.

Petes 2° *quid sit lex naturalis.*

8 *I answer.* Among various opinions, it seems truer that natural law is nothing else than the natural light as impressed upon and participated from reason or the eternal law[1]; because thus are had all things which are wont to be attributed to natural law. 1° It is inborn in us, and found in children and the insane. 2° It is not only demonstrative of good, but also preceptive, because it is impression and participation of the eternal law, consequently empire of superior over inferior. 3° It binds by divine right, because it is immediately from God.

1 Ibid.

Resp. *Inter varias opiniones, verius videtur legem naturalem nihil aliud esse quam lumen naturale ut impressum et participatum a ratione seu lege aeterna[1]; quia sic habentur omnia quae solent tribui legi naturali. 1° Nobis innascitur, reperiturque in pueris et amentibus. 2° Est non solum ostensiva, sed etiam praeceptiva boni, quia est impressio et participatio legis aeternae, consequenter imperium superioris ad inferiorem. 3° Obligat jure divino, quia est immediate a Deo.*

1 Ibid.

9 *You will ask* 3° whether natural law contain more precepts, or only one.

Petes *3° utrum lex naturalis contineat plura praecepta, vel unum tantum.*

10 *I answer.* that it contains more precepts, which nevertheless are founded upon this one: « Good must be done, evil must be avoided »[2].

2 Here q. 94, a. 2, o.

Resp. *continere plura praecepta, quae tamen fundantur in hoc uno : « Bonum est faciendum, malum est fugiendum »[2].*

2 Hic q. 94, a. 2, o.

11 [Precepts of a triple kind are natural, according as there is in man a triple grade of inclination: 1° According to common nature with all beings, there is in him inclination toward conservation of his being, according to which the law of nature commands that sleep, food be taken, destructive things resisted. 2° According to common nature with all animals, there is in him inclination toward conservation of species, according to which there pertain to the law of nature the precepts of temperance concerning acts tending to this end and the education of offspring. 3° According to the nature of reason, which is proper to man, there is in him inclination to truth about God to be known, to immortality, to communication with other intellectual beings: and to this respond the precepts of adoring God, honoring parents, and similar things of religion and justice.]

[Triplicis generis sunt praecepta naturalia, secundum quod est in homine triplex inclinationis gradus : 1° Secundum naturam communem omnibus entibus, inest ipsi inclinatio ad conservationem sui esse, juxta quam lex naturae praecipit esse dormiendum, comedendum, destructivis resistendum. 2° Secundum naturam communem omnibus animalibus, inest ipsi inclinatio ad conservationem speciei, juxta quam pertinent ad legem naturae praecepta temperantiae circa actus tendentes ad hunc finem et educationem prolium. 3° Secundum naturam rationis, quae est homini propria, inest illi inclinatio ad veritatem de Deo cognoscendam, ad immortalitatem, ad communicationem cum aliis entibus intellectualibus : et huic respondent praecepta Deum colendi, parentes honorandi, et similia religionis et justitiae.]

12 *They are distinguished.* again, the precepts of the law of nature into those per se known to all, such as are the first and universal ones: « Good must be done, evil avoided; what thou wilt not have done to

thyself, do thou not to another, etc.; » and into those which are more determined and are drawn immediately from the first, such as the precepts of the Decalogue; at length into remoter ones, which are drawn from the first only mediately, such as many which concern contracts[1].

1 Ibid.

> Distinguuntur *iterum praecepta legis naturae in ea quae sunt per se omnibus nota, qualia sunt prima et universalia : « Bonum est faciendum, malum fugiendum ; quod tibi non vis fieri, alteri ne feceris, etc.; » et in ea quae sunt magis determinata et immediate deducuntur ex primis, ut sunt praecepta Decalogi; tandem in remotiora, quae mediate tantum deducuntur ex primis, ut sunt plura quae spectant contractus*[1].
>
> [1] *Ibid.*

13 [Precepts of the law of nature can moreover be distinguished by order to the persons about whom they are concerned; for some are about God, some about neighbor, some about ourselves.

> *[Possunt insuper distingui praecepta legis naturae per ordinem ad personas circa quas versantur; quaedam enim sunt circa Deum, quaedam circa proximum, quaedam circa nos.*

14 Therefore the law of nature can be said to be manifold and one: manifold, because it contains many and diverse precepts; one, because all precepts are founded on one, as was said, and are ordered to one last end.]

> *Itaque lex naturae potest dici multiplex et una : multiplex, quia continet plura et diversa praecepta; una, quia omnia praecepta fundantur in uno, ut dictum est, et ad unum ultimum finem ordinantur.]*

15 *You will ask* 4° whether natural law bind all men, even children and the insane.

> Petes *4° utrum lex natura obliget omnes homines, etiam pueros et amentes.*

16 *I answer.* in the affirmative. Yet it binds children and the insane only imperfectly and in first act, not perfectly and in second act.

> Resp. *affirmative. Pueros tamen et amentes obligat imperfecte tantum et in actu primo, non perfecte et in actu secundo.*

17 *The reason* of the first part, because natural law is innate in all, even children and the insane, from nature itself, as was said, so that what children and the insane do against the law of nature is base and unseemly, as if they blaspheme, defile themselves, or do anything like, and no one may induce them to these; which is an open sign that they are comprehended under natural law and bound by it at least in first act.

> Ratio *prima partis, quia lex naturalis est omnibus, etiam pueris et amentibus, cum natura indita, ut dictum est, ita ut quae pueri et amentes agunt contra legem naturae sit turpe et indecens, ut si blasphement, se polluant, aut quid simile agant, nec cuiquam licet eos ad haec inducere; quod est signum apertum eos sub lege naturali comprehendi et ea obligari saltem in actu primo.*

18 *The reason* of the second part is, that children and the insane are not so bound by natural law that, if they transgress it, they sin and incur guilt of punishment, but are excused from sin and punishment, inasmuch as that law is not promulgated to them; for it is promulgated through actual dictate or discourse, whereof they are not capable: consequently it does not bind them perfectly and in second act.

> Ratio *secundae partis est, quia pueri et amentes non sic obligantur lege naturali, ut si eam transgrediantur, peccent et incurrant reatum poenae, sed a peccato et poena excusantur, quatenus ista lex non est illis promulgata; promulgatur enim per dictamen actuale seu discursus, cujus non sunt capaces : consequenter eos non obligat perfecte et in actu secundo.*

19 *You will ask* 5° whether every obligation be an effect of natural law.

> Petes *5° utrum omnis obligatio sit effectus legis naturalis.*

20 *I answer.* that not every obligation is a proximate effect of natural law, yet that it is a remote effect.

> Resp. *non omnem obligationem esse effectum proximum legis naturalis, esse tamen effectum remotum.*

21 *The reason* of the first part is, that positive laws, divine as well as human, bind per se immediately, nor will anyone say that the obligation of fasting in Lent, confessing annually, communicating at Easter, believing, hoping, etc., arise proximately and per se from natural law.

> Ratio *primae partis est, quia leges positivae, tam divinae quam humanae, per se immediate obligant, neque ullus dicet obligationem jejunandi in Quadragesima, confitendi annue, communicandi in Paschate, credendi, sperandi, etc., oriri proxime et per se ex lege naturae.*

22 *The reason* of the second part is: Positive law binds therefore, because natural law dictates and prescribes that obedience be rendered to one legitimately commanding, and hence theologians teach that no one turns away from God as supernatural author without turning away from him as natural author; which cannot be verified except because, transgressing the supernatural law, he at once transgresses natural law.

> Ratio *secundae partis est : Ideo lex positiva obligat, quia lex naturalis dictat et praescribit esse obtemperandum legitime praecipienti, et ideo docent theologi neminem averti a Deo ut authore supernaturali, quin avertatur ab eo ut authore naturali; quod verificari non potest, nisi quia, transgrediendo legem supernaturalem, simul transgreditur legem naturalem.*

23 Whether and how natural right is distinguished from the right of nations, you have in the tract. on Right, dissert. I, art. 3.

> *Utrum et quomodo jus naturale distinguatur a jure gentium, habes in tract. de Jure, dissert. I, art. 3.*

24 Again, whether invincible ignorance of natural right could occur? The affirmative solution and ample proof seek in the preceding tract. dissert. V, art. 4.

> *Iterum, utrum possit dari ignorantia invincibilis juris naturae ? Affirmative resolutum et late probatum require in tract. praeced. dissert. V, art. 4.*

25 There remains one question alone, likewise celebrated, although perhaps more of name than of thing is treated in it, namely whether natural law admit dispensation. Whence

> *Superest unica quaestio etiam celebris, licet forte plus in ea agatur de nomine quam de re, utrum scilicet lex naturalis admittat dispensationem. Unde*

Whether the natural law can suffer dispensation?

1 *Note*. Dispensation is twofold, properly and improperly so called. Dispensation properly so called is a relaxation of the law or of its obligation in some particular, made by one having the power, the

matter of the law remaining so unchanged that its obligation would remain if the authority of the dispenser did not intervene. Whence, although dispensation supposes some interpretation of the law, it differs from it, in that for interpretation authority is not required, but prudence and knowledge suffice.

> Nota. *Dispensatio est duplex, proprie et improprie dicta. Dispensatio proprie dicta est relaxatio legis seu ejus obligationis in aliquo particulari, facta ab habente potestatem, manente materia legis, sic immutata, ut ejus obligatio remaneret, si non accederet authoritas dispensantis. Unde, quamvis dispensatio supponat aliquam legis interpretationem, ab ea tamen differt, quod ad interpretationem non requiratur authoritas, sed sufficit prudentia et scientia.*

2 Dispensation improperly so called is when the legislator or another so changes the matter of the law that it ceases to be comprehended under the law.

> *Dispensatio improprie dicta est quando legislator vel alter sic mutat materiam legis, ut desinat comprehendi sub lege.*

3 Hence dispensation properly belongs to the legislator or superior; but improper dispensation belongs to the lord of the matter, whether he be legislator and superior or not: thus God, granting the spoils of the Egyptians to the Israelites, acted as lord, not as legislator; thus a private person who remits to me a debt of one hundred florins acts as lord of that debt, not as superior. On the contrary, if God or the Pope exempted someone from the law of fasting or of the sanctification of the Sabbath, he would act as superior and legislator. And thence follows another distinction, that proper dispensation falls directly upon the law, but improper directly upon the matter or debt: so that he who is dispensed properly, e.g., from fasting, is no longer bound by the law of fasting, as others are bound; but he who is dispensed improperly, e.g., in the repayment of a debt which is remitted, or in the taking of another's property which is granted to him by its owner, is always bound, like all others, by the natural law against stealing, or of paying debts; and if here and now he licitly takes another's property or does not pay a debt, it is not because he is exempted from those laws, but because there no longer remains what is another's or a debt, nor consequently the matter of the law. These things, if well weighed, remove the equivocations by which many are deceived in this matter.

> *Hinc dispensatio proprie spectat legislatorem seu superiorem; dispensatio autem impropria spectat dominum materiae, sive sit legislator et superior, sive non : sic Deus, concedendo spolia Aegyptiorum Israelitis, egit ut dominus, non ut legislator; sic privatus qui remittit mihi debitum centum florenorum, agit ut dominus istius debiti, non ut superior. E contra, si Deus aut Papa eximeret aliquem a lege jejunii vel sanctificationis sabbati, ageret ut superior et legislator. Et inde sequitur aliud discrimen, quod dispensatio propria directe cadat supra legem, impropria autem directe cadat supra materiam seu debitum : ita ut qui dispensatur proprie, v. g., in jejunio, non teneatur amplius lege jejunandi, sicut tenentur alii; qui vero dispensatur improprie, v. g., in redditione debiti quod remittitur, vel in ablatione alieni quod ipsi conceditur a domino, semper tenetur, sicut omnes alii, lege naturali non furandi, aut solvendi debita; quod si hic et nunc licite aut alienum auferat, aut debitum non solvat, non est quia eximitur ab istis legibus, sed quia non remanet vel alienum, vel debitum, nec consequenter legis materia. Haec si bene perpendantur, tollunt aequivocationes quibus multi decipiuntur in hac materia.*

4 **I say** : Neither can God himself dispensate properly in the natural law absolutely speaking, but well improperly[1].

1 Here q. 100, a. 8, o. et ad 3.

> ***Dico** : Neque Deus ipse absolute potest dispensare proprie in lege naturali, bene tamen improprie*[1].

[1] *Hic q. 100, a. 8, o. et ad 3.*

5 This is the more common opinion with the Author [St. Thomas], against the Scotists, who hold with their master that God can dispense in the precepts of the second table alone, excepting the precept against lying.

Est communior cum Authore contra Scotistas, qui cum suo duce tenent, Deum dispensare posse in praeceptis secunda tabula tantum, excepto praecepto de mendacio.

6 *It is proved* 1°. God cannot bring it about that things prohibited by natural right, e.g., hatred of God, perjury, homicide, theft, adultery, pollution, sodomy, bestiality, etc., should be licit, honest and not discordant from reason, nor that things commanded, such as the duties of religion, justice, etc., should not be honest and due in their place and time, the matter of the law remaining unchanged. Therefore he cannot dispense properly in the natural law. The consequence is evident from the given notion of dispensation properly so called, which is a relaxation of the obligation of the law, its matter remaining unchanged, so that what before was prohibited, dishonest and illicit, without change of its matter becomes by dispensation honest and licit. — *Prob.* ant. These enumerated acts and similar ones prohibited by the natural law are intrinsically and by their nature, independently of the will of God, base, evil and discordant from reason. Acts commanded by the natural law are likewise by their nature intrinsically, independently of the will of God, honest and due in their place and time. But God cannot bring it about that what is such of itself, remaining unaltered, should not be such, just as he cannot bring it about that man, remaining man, should not be a rational animal; that fire, remaining fire, should not have heat fitting to it; for he cannot change the natures of things. Therefore.

Probatur *1°. Deus non potest efficere ut ea quae prohibentur jure natura, v. g., odium Dei, perjurium, homicidium, furtum, adulterium, pollutio, sodomia, bestialitas, etc., sint licita, honesta et non rationi dissona, neque quae praecipiuntur, ut sunt officia religionis, justitiae, etc., pro loco et tempore non sint honesta et debita, manente materia legis immutata. Ergo non potest dispensare proprie in lege naturali. Patet consequentia ex notione data dispensationis proprie, quae est relaxatio obligationis legis, ejus materia manente immutata, ita ut quod prius erat prohibitum, inhonestum et illicitum, absque ejus mutatione materiae fiat per dispensationem honestum et licitum.* — Prob. *ant. Hi actus enumerati et similes prohibiti lege naturali sunt intrinsece et ex natura sua, independenter a voluntate Dei, turpes, mali et rationi dissoni. Actus praecepti lege naturali sunt pariter et natura sua intrinsece, independenter a voluntate Dei, honesti et debiti pro loco et tempore. Atqui Deus non potest efficere quod id quod est ex se tale, manens invariatum, non sit tale, sicut non potest efficere quod homo, manens homo, non sit animal rationale; quod igni, manente igne, non sit conveniens calor; non enim potest mutare naturas rerum. Ergo.*

7 *It is proved* 2° from concessions made by the adversaries. 1° They concede that God cannot dispense in the negative precepts of the first table, nor in lying; because, says Franc. de Victoria « ... to dispense, he could do this...; for he could bring it about that someone licitly hate God, commit perjury, blaspheme, worship idols, which are so evil from their intrinsic nature that, whether God wills or not, they always remain evil, inasmuch as they are such independently of his will. » So the praised theologian, disp. I on *Law*, q. 5, a. 1, concl. 2. — *I subsume.* But that whole argumentation of theirs is ours for the precepts of the second table, and proves equally for them as for the precepts of the first table; for those, just as these, are so evil from their intrinsic nature that, whether God wills or not, they always remain evil, "inasmuch as [*note*] they are such independently of his will;" for they are prohibited because evil, and not evil because prohibited. Therefore.

Probatur 2° *ex concessis ab adversariis. 1° Concedunt Deum non posse dispensare in praeceptis negativis primae tabulae, neque in mendacio; quia, inquit Franc. de Victoria « ... dispensare, hoc facere posset...; quia facere posset ut quis licite Deum odio haberet, pejeraret, blasphemaret, idola coleret, quae ita sunt ex suis intrinsecis mala, ut, velit nolit Deus, semper maneant mala, quandoquidem sint talia independenter ab ejus voluntate. » Ita laudatus theologus, disp. I de* Leg., *q. 5, a. 1, concl.* 2. — Subsumo. *Atqui tota ista argumentatio nostra est pro praeceptis secundae tabulae, et aeque probat pro illis ac pro praeceptis primae tabulae; sunt enim illa, sicut ista, ita ex suis intrinsecis mala, ut, velit nolit Deus, semper maneant mala, « quandoquidem [*nota*] sint talia independenter ab ejus voluntate; » sunt enim prohibita quia mala, et non mala quia prohibita. Ergo.*

On Human Law

1 **DISSERTATION III. ON HUMAN LAW** St. Thomas, q. 95.

DISSERTATIO III. DE LEGE HUMANA *D. Thomas, q. 95.*

On the quiddity, necessity, qualities, and divisions of human law

1 *You will ask* 1° what human law is.

Petes *1° quid sit lex humana.*

2 *I answer.* Human law is rightly defined : « An ordination of human reason consonant with natural law, for the common good, promulgated by him who has the care of the community. » All the parts of this definition, except the second, are evident from the definition of law in general.

Resp. *Lex humana recte definitur : « Ordinatio rationis humanae legi naturali conveniens, ad bonum commune ab eo qui curam communitatis habet promulgata. » Omnes particulae hujus definitionis, excepta secunda, patent ex definitione legis in communi.*

3 It is said therefore to be « consonant with natural law »[1], because every human law is derived from the natural law, not indeed as a necessary conclusion, or as having with the principles of natural law a necessary connection — otherwise it would belong to the natural law itself — but as conveniently and probably deduced from them, and as their determinant.

1 Hic q. 95, a. 2, o.

Dicitur itaque « legi naturali conveniens »[1], quia omnis lex humana derivatur a lege naturali, non quidem ut conclusio necessaria, seu ut habens cum principiis legis naturalis necessariam connexionem, alioquin pertineret ad ipsam legem naturalem, sed ut convenienter et probabiliter ex illis deducta et ut illorum determinativa.

1 Hic q. 95, a. 2, o.

4 *You will ask* 2° whether human laws are necessary.

Petes *2° utrum leges humanae sint necessariae.*

5 *I answer.* That they are necessary[2]; not indeed simply and absolutely, but so that, the obstinacy, corruption and proneness of men to evil being taken into account, without human laws neither the multitude could have and preserve virtue, nor the commonwealth peace.

2 Ibid., a. 1, o.

Resp. *esse necessarias[2], non quidem simpliciter et absolute, sed sic ut, attenta hominum pervicacia, corruptione et pronitate in malum, sine legibus humanis, nec multitudo virtutem, nec respublica pacem habere et conservare posset.*

[2] *Ibid., a. 1, o.*

[6] *You will ask* 3° of what sort human law ought to be.

Petes *3° qualis debeat esse lex humana.*

[7] *I answer.* In the words of Isidore, lib. V *Etymol.*, c. 21ª : « The law shall be honest, just, possible according to nature, according to the custom of the country, suited to place and time, necessary, useful, manifest also, lest through obscurity it contain anything ambiguous, written for no private advantage, but for the common utility of citizens. » And this is received in canon law, dist. 4, c. 2.

Resp. *verbis Isidori, lib. V* Etymol.*, c. 21ª : « Erit lex honesta, justa, possibilis secundum naturam, secundum consuetudinem patriae, loco temporique conveniens, necessaria, utilis, manifesta quoque, ne aliquid per obscuritatem in captione contineat, nullo privato commodo, sed pro communi utilitate civium scripta. » Et hoc recipitur in jure canonico, dist. 4, c. 2.*

[8] *You will ask* 4° how human law is divided.

Petes *4° quomodo dividatur lex humana.*

[9] *I answer.* The common and received division of human law is into civil and ecclesiastical. Civil laws are for the most part contained in the body of civil law, ecclesiastical laws in the body of canon law. Concerning both certain things are here to be explained, especially for the benefit of beginners. Whence

Resp. *Divisio communis et vulgata legis humanae est in civilem et ecclesiasticam. Leges civiles plerumque continentur in corpore juris civilis, leges ecclesiasticae in corpore juris canonici. Circa utrumque nonnulla sunt hic explicanda, praesertim in gratiam tyronum. Unde*

[10] *You will ask* 5° what is meant by the Corpus of canon law.

Petes *5° quid intelligatur per Corpus juris canonici.*

[11] [*I answer.* With respect to periods of time, ecclesiastical law, which is called canonical, because it is constituted chiefly of canons or disciplinary rules, is divided into ancient law, new law and newest law.

*[*Resp. *Ratione temporum, jus ecclesiasticum, quod dicitur canonicum, quia canonibus seu regulis disciplinaribus praecipue constituitur, dividitur in jus antiquum, jus novum et jus novissimum.*

[12] I. — *Ancient law* flourished from the beginnings of the Church to the middle of the eleventh century. Its sources and monuments are:

I. — Jus antiquum *ab exordiis Ecclesiae ad medium XI saeculi viguit. Ejus fontes et monumenta sunt :*

[13] The *Canons of the Apostles*. Protestants denied that ancient discipline was contained in these canons. Today indeed all learned men confess that they consist partly of rules which the Apostles handed down in words, partly of the customs of churches, partly of the decrees of councils celebrated in the earlier centuries in the East. Since certain things are found in these canons contrary to the tradition of the Church, the Latin Church received only the first fifty, without deciding anything whatever about their origin. But the Eastern Church received and venerated all eighty-five entire, as if issued by the Apostles themselves.

Canones Apostolorum. *Antiquam disciplinam in his canonibus contineri, negarunt Protestantes. Hodie vero fatentur omnes eruditi eos constare partim ex regulis quas Apostoli verbis tradiderunt, partim ex consuetudinibus ecclesiarum, partim ex decretis conciliorum quae prioribus saeculis in Oriente celebrata sunt. Cum quaedam in his canonibus inveniantur Ecclesiae traditioni contraria, Ecclesia Latina quinquaginta priores tantum recepit, quin de illorum origine quidquam decerneret. Ecclesia Orientalis vero octoginta quinque omnes et integros recepit et venerata est, tamquam ab ipsis Apostolis editos.*

14 The *Apostolic Constitutions*. This collection was distributed into eight books. It is undeservedly attributed to St. Clement of Rome and even to the Apostles. Probably it was published in the fifth or fourth century. These constitutions are commended by St. Epiphanius; and indeed, since they are most ancient, they comprise many useful things. Afterwards however they were corrupted by heretics in many places, whence certain authority cannot be assigned to them.

Constitutiones apostolicae. *Haec collectio in octo libros fuit distributa. Immerito S. Clementi Romano et etiam Apostolis adscripta est. Probabiliter V aut IV saeculo fuit vulgata. Has constitutiones commendat S. Epiphanius, et quidem, cum sint antiquissima, multa complectuntur utilia. Postea vero pluribus in locis ab haereticis fuerunt corruptae, unde certa authoritas illis tribui non potest.*

15 Greek *collections*. 1° The Chalcedonian collection, so called because mention of it is made in the acts of the council of Chalcedon. It contained, observing the order of times, the canons of the general and particular councils of Nicaea, Ancyra, Neo-Caesarea, Gangra, Antioch, Laodicea and Constantinople I; to which were added, in the middle of the sixth century, the canons of the Apostles, of Sardica, Ephesus, Chalcedon, and the rules of St. Basil. — 2° The collection of John Scholasticus. John, a presbyter of Antioch, surnamed Scholasticus, arranged the preceding canons according to the order of subject-matters, and having been made bishop of Constantinople, added civil laws drawn especially from the code of Justinian. Since he was a favorer of Nestorianism, his collection is suspect. — The *Council* in Trullo, or Quinisext, so called because it was celebrated in the Trullo of the palace of Constantinople and wished to supply what seemed lacking in the disciplinary canons of the fifth and sixth ecumenical councils. Among these canons the Roman Church sanctioned only those which were not adverse to the laws of the preceding general councils and to approved morals. The rest therefore are destitute of all authority. — 4° The collection of Photius. In the ninth century Photius, author of the Greek schism, annotated the oriental collections, joining imperial laws to ecclesiastical canons, as John Scholasticus had done before; whence arose a new *Nomocanon*, which among the Greeks has always been held in highest honor and price, although justly suspect to Catholics. — 5° There may be added the collections of lesser moment of Simeon Logotheta, Alexius Aristenus, Arsenius, Harmenopulus and others, of which to speak singly would be long and unnecessary. All these monuments of ecclesiastical law among the Orientals were lately collected at the command of Pius IX by Em. cardinal Pitra.

Collectiones graecae. *1° Collectio Chalcedonensis, sic dicta quia in actis concilii Chalcedonensis fit illius mentio. Continebat, servata ratione temporum, canones conciliorum generalium et particularium Nicaeni, Ancyrani, Neocaesareensis, Gangrensis, Antiocheni, Laodiceni et Constantinopolitani I; quibus accesserunt, mediante saeculo VI, canones Apostolorum, Sardicenses, Ephesini, Chalcedonenses, et regulae S. Basilii. — 2° Collectio Joannis Scholastici. Joannes, presbyter Antiochenus, cognomento Scholasticus, praecedentes canones secundum ordinem materiarum digessit, et episcopus Constantinopolitanus factus, leges civiles praesertim ex codice Justiniani depromptas adjecit. Cum Nestorianismi fautor fuerit, ejus collectio suspecta est.* — Concilium *quinsextum seu Trullanum, sic dictum quia in Trullo palatii Constantinopolitani fuit celebratum et supplere voluit quae in canonibus disciplinaribus V et VI*

conciliorum oecumenicorum deesse videbantur. Inter hos canones eos tantum sanxit Ecclesia Romana qui legibus superiorum conciliorum generalium probatisque moribus non adversabantur. Reliqui ergo omni authoritate destituuntur. — 4° Collectio Photii. Saeculo IX, Photius, graeci schismatis author, collectiones orientales commentavit, leges imperiales canonibus ecclesiasticis adjungens, sicut antea fecerat Joannes Scholasticus; unde ortus est novus Nomocanon*, qui apud Graecos in summo honore et pretio semper habitus est, quamvis catholicis jure suspectus. — 5° Addi possunt collectiones minoris momenti Simeonis Logothetae, Alexii Aristini, Arsenii, Harmeneopoli et aliae de quibus singillatim dicere longum esset ac non necessarium. Haec omnia monumenta juris ecclesiastici apud Orientales, Pio IX jubente, ab Em. cardinali Pitra fuerunt nuper collecta.*

16 Latin *collections*. — 1° At first no canons were acknowledged but those of Nicaea, under which name those of Sardica also were comprehended, because the synod of Sardica was regarded as an appendix of that of Nicaea. — 2° The Isidorian collection was transcribed by Isidore from an ancient Spanish collection. It contains the canons of Nicaea, Ancyra, Neo-Caesarea, Gangra, Sardica, Antioch, Laodicea, Constantinople and Chalcedon. —

Collectiones latinae. — *1° Primum non alii canones quam Nicaeni agnoscebantur, sub quo nomine comprehendebantur etiam Sardicenses, quia Sardicensis synodus tamquam appendix Nicaenae habebatur. — 2° Collectio Isidoriana ab Isidoro ex antiqua Hispanica collectione fuit transcripta. Continet canones Nicanos, Ancyranos, Neocaesareenses, Gangrenses, Sardicenses, Antiochenos, Laodicenos, Constantinopolitanos et Chalcedonenses. —*

17 3° The ancient version of the Greek canons appears somewhat less ancient, and comprises the canons of Ancyra, Neo-Caesarea, Nicaea, Sardica, Gangra, Antioch, Chalcedon, Constantinople. —

3° Prisca graecorum canonum versio paulo minus antiqua videtur, complectiturque canones Ancyranos, Neocaesareenses, Nicaenos, Sardicenses, Gangrenses, Antiochenos, Chalcedonenses, Constantinopolitanos. —

18 4° At the beginning of the sixth century Denis the monk, surnamed Exiguus on account of his small stature or humility, by nation a Scythian, Roman in manners and dwelling, illustrious for doctrine and integrity of life, published the most famous collection called Dionysian from the name of its author. It is divided into two parts, one of which contains the canons of councils, the other the letters of the supreme Pontiffs. Adrian I pope handed over this collection enriched with certain additions to Charlemagne, and thence it was called Hadriana. Indeed Adrian himself did not add these increments, but since he was seen to have approved the whole work, he conciliated to it great authority; whence collections compacted out of councils were called Conciliatae. In the same collections particular enactments were joined to the canons of councils and the decretals of Roman Pontiffs. Noted especially among the Africans are the Codex Africanus, the Breviatio canonum of Ferrandus, deacon of Carthage, of the year 547; the Canonum concordia of Cresconius bishop, of the year 697. Among the Spaniards, the Capitula of Martin, bishop of Braga, 572; the Collection of St. Isidore of Seville, 636. Among the Gauls, the Codex canonum; the Capitularies, which, enacted in the general assemblies of bishops and nobles, pertained to both regimes; the Panormia of Yves of Chartres, 1117. Among the Germans, the Collection of Regino, 906; the volume of Decretals of Burchard, 1025. Among these books must be reckoned the ritual books and formularies, in which many disciplinary rules are found.

4° Ineunte saeculo VI, Dionysius monachus, propter staturam vel humilitatem cognominatus Exiguus, natione Scytha, moribus et domicilio Romanus, doctrina et vitae integritate praeclarus, celeberrimam collectionem ab authoris nomine Dionysianam appellatum edidit. Ea dividitur in partes duas, quarum altera conciliorum canones, altera summorum Pontificum epistolas continet. Hanc collectionem quibusdam additionibus locupletatam Carolo Magno tradidit Adrianus

I papa, et exhinc Adriana vocata est. Non quidem haec incrementa Adrianus ipse addidit, sed cum totum opus probasse visus est, ei magnam authoritatem conciliavit; unde et collectiones ex conciliis compactae Conciliatae sunt appellatae. In eisdem collectionibus conciliorum canonibus et decretalibus Romanorum Pontificum statuta particularia jungebantur. Notantur praecipue, apud Africanos, Codex Africanus, Breviatio canonum Ferrandi, diaconi Carthaginiensis, anno 547; Canonum concordia Cresconii episcopi, anno 697. Apud Hispanos, Capitula Martini, Bracarensis episcopi, 572; Collectio S. Isidori Hispalensis, 636. Apud Gallos, Codex canonum; Capitularia, quae in generalibus comitiis episcoporum et procerum lata, ad utrumque regimen spectabant; Pannormia Ivonis Carnotensis, 1117. Apud Germanos, Collectio Reginonis, 906; Volumen decretorum Burchardi, 1025. Inter hos libros computari debent libri rituales et formularia, in quibus multae regulae disciplinares reperiuntur.

19 Here, for memory's sake only, must be noted the False Decretals of Isidore Mercator or Peccator, published in the ninth century, the greater part of which was devised and fabricated by the author himself. Whence, although many things in this collection are true and genuine, the name of False Decretals was deservedly fastened upon this work.

Hic pro memoria tantum notandae sunt Decretales Isidoris Mercatoris aut Peccatoris, quae IX saeculo vulgatae sunt et quarum major pars ab ipso authore excogitata et conficta est. Unde, quamvis multa in hac collectione vera et germana sint, merito nomen Falsarum decretalium huic operi fuit inustum.

20 He who desires more concerning the foregoing sources of ancient law should consult the canonists.

Qui plura de superioribus fontibus juris antiqui desiderat, canonistas adeat.

21 II. — The collections enumerated above were never reduced into one body, neither among the Orientals nor in the Latin Church. But when about the middle of the eleventh century ecclesiastical learning, and especially the study of law, began to be held in greater honor, it seemed necessary to reduce these diverse matters into an ordered form, and thence came forth the collections of which the Corpus of canon law such as is now taught in schools is composed.

II. — Collectiones supra enumeratae nunquam in unum corpus fuerunt redacta, neque apud Orientales, neque in Ecclesia Latina. Cum vero circa medium saeculum XI scientiae ecclesiasticae, et praesertim juris studium, in honore magis coeperint haberi, necessarium visum est has diversas materias in ordinatam formam redigere, et inde prodierunt collectiones quibus componitur Corpus juris canonici quale nunc in scholis traditur.

22 New canon law consists of six parts, which are: the Decree of Gratian, the Decretals, the Sext of the Decretals, the Clementines, the Extravagantes of John XXII and the Extravagantes communes.

Jus canonicum novum sex partibus constat, quae sunt: Decretum Gratiani, Decretales, Sextus Decretalium, Clementina, Extravagantes Joannis XXII et Extravagantes communes.

23 1° The Decree was compiled about the year 1150 by Gratian, a monk of the order of St. Benedict, from the sentences of Sacred Scripture, the decrees and responses of councils and supreme Pontiffs, the laws of emperors, the sayings of the holy Fathers and ecclesiastical writers, and Gratian's own commentaries. Many passages are inscribed Palea, concerning which denomination the likelier truth is the opinion of those who hold that Palea is the name of an author by whom canons outstanding in utility and authority were added, which, first placed in the margin, afterwards crept into the context of the book.

1° Decretum fuit conflatum circa annum 1150 a Gratiano, monacho ordinis S. Benedicti, ex S. Scripturae sententiis, conciliorum et summorum Pontificum decretis et responsis, imperatorum legibus, SS. Patrum et ecclesiasticorum scriptorum dictis, ipsiusque Gratiani commentariis. Plura sunt inscripta Palea, super qua denominatione similior vero est opinio illorum qui statuunt Paleam esse nomen authoris a quo canones utilitate atque authoritate praestantes adjecti fuerint, qui in margine primum appositi, deinceps in libri contextum irrepserint.

24 The Decree is divided into three parts. The first treats of ecclesiastical persons, and has one hundred and one distinctions, which themselves are divided into chapters or canons. Texts taken from this part are cited thus: c. Placuit, dist. 16; or more briefly: can. or cap. 4, dist. 16.

Dividitur Decretum in tres partes. Prima agit de personis ecclesiasticis, habetque unam supra centum distinctiones, quae ipsae dividuntur in capita seu canones. Textus ex hac parte desumpti sic citantur: c. Placuit, dist. 16; vel brevius: can. vel cap. 4, dist. 16.

25 The second part contains thirty-six causes, in which is treated the matter and form of judgments. But the third cause thirty-three has seven distinctions on Penance. And since causes are divided into questions and questions into chapters or canons, they are cited in the following manner: c. Ecclesiarum 12, q. 2, that is, can. or cap. 69, cause 12, of question 2. But the Treatise on Penance is cited: can. or cap. 19 Charitas, dist. 2 on Penance.

Secunda pars continet triginta sex causas, in quibus agitur de materia et forma judiciorum. Quaestio autem tertia causa trigesima tertia septem habet distinctiones de Poenitentia. Quia vero causae in quaestiones et quaestiones in capita seu canones dividuntur, sequenti modo citantur: c. Ecclesiarum 12, q. 2, id est, can. vel cap. 69, causa 12, quaestionis 2. Tractatus vero de Poenitentia citatur: can. vel cap. 19 Charitas, dist. 2 de Poenitentia.

26 The third part treats of sacred things under the general title De Consecratione. It has five distinctions, and texts are cited: c. Jejunium, dist. 5 de Consecrat., or can. or cap. 25, dist. 5 de Consecrat.

Tertia pars tractat de rebus sacris, sub titulo generali De Consecratione. Habet quinque distinctiones, et textus citantur: c. Jejunium, dist. 5 de Consecrat., vel can. aut cap. 25, dist. 5 de Consecrat.

27 The distribution of matters adopted by Gratian was thereafter preserved in treatises of canon law.

Distributio materiarum a Gratiano adoptata deinceps in tractatibus juris canonici fuit servata.

28 2° The Decretals were compiled at the command of Gregory IX by St. Raymond of Pennafort. They are divided into five books, of which the first treats of judges or prelates of the Church, the second of civil judgments, the third of the affairs of clerics, the fourth of the sacrament of matrimony, the fifth of criminal judgments. All which are contained in this verse:

2° Decretales jussu Gregorii IX a S. Raymundo de Pennafort fuerunt compilatae. In quinque libros dividuntur, quorum primus agit de judicibus seu praelatis Ecclesiae, secundus de judiciis civilibus, tertius de rebus clericorum, quartus de sacramento matrimonii, quintus de judiciis criminalibus. Quae omnia hoc versu continentur:

29 Judge, judgment, cleric, espousals, crime.

Judex, judicium, clerus, sponsalia, crimen.

30 The Decretals are cited thus: cap. 12 de arbitris, or cap. Innotuit, de arbitris. Formerly extra was added, thus: cap. 12 extra, de arbitris; extra, that is outside the body of the Decree.

Decretales ita citantur: cap. 12 de arbitris, vel cap. Innotuit, de arbitris. Olim addebatur extra, sic: cap. 12 extra, de arbitris; extra, id est extra corpus Decreti.

31 3° The Sext of the Decretals, so named because this book follows the five books of decretals. In the year 1298, using the labors of William, archbishop of Embrun, Berengar, bishop of Beziers, and Richard of Siena, who afterwards were made cardinals, Boniface VIII collected the canons of the two general councils of Lyons and the decretals of Roman Pontiffs which had been published after the issue of the collection of Gregory IX. From these and from his own constitutions he composed the Sext, which is divided into five books, like the Decretals, preserving the same order of matters and titles. It is cited in the same manner, with the addition, in 6°, v. g.: cap. Nemo, or cap. 11, de electione, in 6°.

3° Sextus Decretalium, ita nuncupatus, quia liber iste quinque libros decretalium sequitur. Anno 1298, Guillelmi, Ebrodunensis archiepiscopi, Berengarii, episcopi Biterrensis, et Richardi de Senis, qui postea cardinales facti sunt, opera usus, Bonifacius VIII collegit canones duorum generalium conciliorum Lugdunensium et decretales Romanorum Pontificum quae post editam collectionem Gregorii IX fuerant evulgatae. Ex iis atque suis constitutionibus confecit Sextum, qui in quinque libros, sicut Decretales, dividitur, servato eodem ordine materiarum et titulorum. Eodem modo citatur, cum additione, in 6°, v. g.: cap. Nemo, vel cap. 11, de electione, in 6°.

32 4° The Clementines, so called because Clement V ordered the collection of very many constitutions promulgated by him in the council of Vienne, over which he presided in the year 1311. But since, overtaken by death, he could not perfect this work, these constitutions were published by John XXII in the year 1317. They are cited in this manner: Clement., Cum secundum, de poenitentiis; or: cap. Cum secundum, or cap. 1 de ponit. Clement.

4° Clementinae, sic dictae quia Clemens V collectionem fieri jussit quamplurium constitutionum ab eo promulgatarum in concilio Viennensi, cui praefuit anno 1311. Sed cum, morte occupatus, id opus perficere non potuerit, hae constitutiones a Joanne XXII, anno 1317, fuerunt publicatae. Citantur hoc modo: Clement., Cum secundum, de poenitentiis; vel: cap. Cum secundum, aut cap. 1 de ponit. Clement.

33 5° The Extravagantes of John XXII. Under this title are comprehended twenty decretals which John XXII had issued in the earlier years of his pontificate, and which wandered scattered outside the collections of which the body of the law then consisted. They are cited thus: cap. 1, or cap. Ad onus, de electione, in Extrav. Joann. XXII; or more briefly: Extrav. Ad onus, de electione.

5° Extravagantes Joannis XXII. Sub hoc titulo comprehenduntur viginti decretales quas Joannes XXII prioribus annis sui pontificatus emiserat, et quae sparsae vagabantur extra collectiones quibus tunc corpus juris constabat. Ita citantur: cap. 1, vel cap. Ad onus, de electione, in Extrav. Joann. XXII; aut brevius: Extrav. Ad onus, de electione.

34 6° The Extravagantes communes are decretals issued from Urban IV down to Sixtus IV which remained outside the body of the law. This collection, while Sixtus IV governed the Church, was perfected by private industry. It is divided into five books, like the Gregoriana. It is cited: Extrav. Injunctae, de electione, cap. 3; or: cap. Sancta, int. comm., that is, inter communes.

6° Extravagantes communes sunt decretales quae ab Urbano IV usque ad Sixtum IV editae extra corpus juris remanserant. Haec collectio, Sixto IV Ecclesiam regente, privato studio perfecta est. Dividitur in quinque libros, sicut Gregoriana. Citatur: Extrav. Injunctae, de electione, cap. 3; vel: cap. Sancta, int. comm., id est, inter communes.

35 In each of the books there are glosses, that is commentaries, which were written by the labor of many, and have no greater authority than the opinion of a private doctor can have in explaining laws[1].

1 The glossators are Accursius, Bernardus, Tancredus, Joannes, Andreas, to whom are added the interpreters Sinibaldus, who afterwards was Innocentius IV, Hostiensis, Speculator, or Guillelmus Durandus, Pannormitanus, etc.

> *Sunt in libris singulis glossae, hoc est commentarii, qui multorum opera fuerunt exarati, et non majorem habent authoritatem quam privati doctoris opinio habere potest in legibus explanandis[1].*
>
> *1 Glossatores sunt Accursius, Bernardus, Tancredus, Joannes, Andreas, quibus accedunt interpretes Sinibaldus, qui postea Innocentius IV, Hostiensis, Speculator, seu Guillelmus Durandus, Pannormitanus, etc.*

36 The whole body of canon law was published at Rome under Pope Gregory XIII, diligently corrected, and later copies were made according to this typical edition.

> *Corpus integrum juris canonici, Gregorio XIII Pontifice, Romae editum est diligenterque emendatum, et secundum hanc editionem typicam posteriores fuerunt exaratae.*

37 The same Gregory XIII gave encouragement to collecting the constitutions of the supreme Pontiffs which had come to light after Sixtus IV, and he committed this business to learned men, who were to issue a Seventh of the Decretals. But, this Pope dying before the work was yet finished, Sixtus V took care that it should be completed; and he too being taken from human affairs, Clement VIII, who as cardinal had bestowed labor and study upon this matter, ordered that collection to be committed to press. Difficulties arising, especially concerning the prohibition of publishing private commentaries upon the Tridentine decrees inserted in this book, that work, elaborated with so much labor, was suppressed[2], of which copies, now most rare, can scarcely be found at great price. About the same times, namely in the year 1590, Peter Matthaeus, jurist of Lyons, published by his own and private labor a Seventh of the Decretals, into which many faults crept and several things also are wanting. This codex lacks all public authority.

2 Fagnanus, in cap. Cum venissent, de judic., n. 61, totam rem diligenter narrat.

> *Idem Gregorius XIII animum adjecit ad colligendas constitutiones summorum Pontificum quae post Sixtum IV in lucem prodierant, atque hoc negotium commisit viris doctis qui Septimum Decretalium emitterent. Sed, hoc Pontifice vita functo cum opus nondum esset absolutum, illud perficiendum curavit Sixtus V; quo etiam humanis rebus erepto, Clemens VIII, qui cum cardinalis esset in ea re operam studiumque posuerat, collectionem istam typis mandari jussit. Obortis difficultatibus praecipue circa prohibitionem edendi privatos commentarios super decretis Tridentinis huic libro insertis, suppressum est opus istud tanto labore elucubratum[2], cujus exemplaria nunc rarissima maximo pretio vix reperiri possunt. Iisdem fere temporibus, nempe anno 1590, Petrus Matthaeus, jurisperita Lugdunensis, edidit proprio et privato labore Septimum decretalium, in quo multa irrepserunt vitia et plura etiam desiderantur. Hic codex omni publica authoritate caret.*
>
> *2 Fagnanus, in cap. Cum venissent, de judic., n. 61, totam rem diligenter narrat.*

38 III. — Newest law properly coalesces from apostolic constitutions and decisions of any kind whatsoever which after Sixtus IV have proceeded from pontifical authority, either immediately or mediately. However, in the collections made thence are included many earlier constitutions which, since they did not obtain a place in the book of Extravagantes, remained wandering outside the body of the law. The newest collections are the following.

III. — Jus novissimum proprie coalescit ex constitutionibus apostolicis et decisionibus cujusvis generis quae ex authoritate pontificia, sive immediate, sive mediate, post Sixtum IV prodiere. Attamen in collectionibus exinde confectis includuntur multae constitutiones anteriores quae, cum in libro Extravagantium locum non obtinuerint, extra corpus juris remanebant vagantes. Collectiones novissimae sunt sequentes.

39 1° Bullaria. While Sixtus V reigned, Laertius Cherubinus, a Roman, first collected into one volume, which he called Bullarium, the constitutions of Pontiffs wandering outside the body of the law, beginning from St. Leo the Great. He afterwards enlarged his book with the constitutions of Paul V, and was preparing a third edition in which later constitutions should be contained, when, overtaken by death, he could not perfect the work begun. His son Angelus Maria Cherubinus completed the paternal work, adding to it many constitutions published down to Innocent X. He called this new work, consisting of four volumes and edited in the year 1638, Bullarium Magnum. A fifth volume afterwards followed, in which Angelus a Lantusca and Paulus a Roma included other constitutions down to Clement X. But largest of all is the Bullarium Magnum edited by Hieronymus Mainardi at Rome and distributed into fourteen volumes. It contains the constitutions of the supreme Pontiffs from Leo the Great to Clement XII.

1° Bullaria. Sixto V regnante, Laertius Cherubinus Romanus, Pontificum constitutiones extra corpus juris errantes, a S. Leone Magno, primus collegit in unum volumen quod Bullarium appellavit. Auxit deinceps suum librum constitutionibus Pauli V, et tertiam editionem in qua constitutiones postea latae continerentur parabat, cum morte occupatus opus incoeptum perficere nequivit. Ejus filius Angelus Maria Cherubinus opus paternum absolvit, ei adjiciens multas constitutiones usque ad Innocentium X publicatas. Hoc opus novum, quatuor voluminibus constans et anno 1638 editum, Bullarium Magnum nuncupavit. Quintum volumen postea accessit, quo Angelus a Lantusca et Paulus a Roma complexi sunt alias constitutiones usque ad Clementem X. Sed omnium amplissimum est Bullarium Magnum ab Hieronymo Mainardi editum Romae et in quatuordecim tomos distributum. Continet constitutiones summorum Pontificum a Leone Magno ad Clementem XII.

40 There appeared, at the command of Benedict XIV, his own constitutions comprised in four volumes. Published at Rome, in the year 1835, is a continuation of the great Bullarium, consisting of the constitutions of Clement XIII, Clement XIV, Pius VI, Pius VII, Leo XII, Pius VIII and Gregory XVI.

In lucem prodiere, jussu Benedicti XIV, ipsius constitutiones tomis quatuor comprehensae. Edita est Romae, anno 1835, Bullarii magni continuatio, constans constitutionibus Clementis XIII, Clementis XIV, Pii VI, Pii VII, Leonis XII, Pii VIII et Gregorii XVI.

41 These Bullaria, unless perchance you except the Bullarium of Benedict XIV, are private works, and the constitutions contained in them have force only of themselves.

Haec Bullaria, si forte excipias Bullarium Benedicti XIV, sunt opera privata, et constitutiones in eis contenta tantummodo per se valent.

42 2° Collections of councils. Some are general, others particular. To collect the canons of all councils the studies of many learned men have been devoted, among whom, in the sixteenth century, Merlin, Crabbe, Surius; in the seventeenth, Baluze, Labbe and Cossart; in the eighteenth, Coleti and Mansi again edited the Labbean collection, enriching it with many additions.

2° Collectiones conciliorum. Alia sunt generales, aliae particulares. Ad colligendos canones omnium conciliorum sua studia contulerunt plures viri docti, inter quos, in saeculo XVI, Merlin, Crabbe, Surius; in saeculo XVII, Baluze, Labbe

et Cossart; in saeculo XVIII, Coleti et Mansi Labbeanam collectionem iterum ediderunt, multis additionibus eam locupletantes.

43 Collections of this kind, as such, are destitute of public authority; but the documents of which they consist retain all their intrinsic value, inasmuch as they are authentic.

Hujusmodi collectiones, ut tales, publica authoritate destituuntur, sed documenta quibus constant omnem suum valorem intrinsecum retinent, in quantum sunt authentica.

44 3° The Rules of the Chancery take their origin from John XXII, who first ordered these laws to be committed to writing, that the Apostolic Chancery might be governed by them. By his successors, especially by Nicholas V, new rules were added, so that seventy-two are numbered today, upon which John Baptist Rigantius wrote most accurate commentaries, besides others. These rules, that they may stand, must be confirmed by each Pontiff after his creation. They were derogated from by particular conventions which are called concordats.

3° Regulae Cancellariae originem repetunt a Joanne XXII, qui primus has leges scripto mandari jussit, ut iis Apostolica Cancellaria regeretur. Ab ejus successoribus, praecipue a Nicolao V, novae regulae fuerunt additae, ita ut septuaginta duae hodie numerentur, in quas, praeter caeteros, scripsit commentarios accuratissimos Joannes Baptista Rigantius. Hae regulae, ut convalescant, ab unoquoque Pontifice, post ejus creationem, confirmari debent. His derogatum fuit per conventiones particulares quae concordata dicuntur.

45 4° The council of Trent, which is the most abundant source of newest law. No general council weighed so many questions and shelled them so skillfully. It had twenty-five sessions, of which almost each consists of two parts. The first part contains one hundred and thirty doctrinal canons, by which the heresies of Protestants are condemned and the dogmas of faith confirmed. The other part, inscribed on Reformation, comprises many decrees pertaining to ecclesiastical discipline and rules of morals.

4° Concilium Tridentinum, quod est fons uberrimus juris novissimi. Nullum concilium generale tot quaestiones trutinavit et tam scite enucleavit. Viginti quinque sessiones habuit, quarum ferme unaquaeque duabus partibus constat. Prima pars continet centum triginta canones doctrinales, quibus damnantur haereses Protestantium et dogmata fidei confirmantur. Altera pars, quae de Reformatione inscribitur, multa decreta ad ecclesiasticam disciplinam et morum regulas spectantia complectitur.

46 5° Finally there pertain also to canon law the declarations of the sacred Roman Congregations. These Congregations are bodies of Cardinals to whom certain affairs have been committed by the supreme Pontiff, to be known and defined. Eight are numbered, of which the three former were instituted for defending and propagating the faith, and the rest keep watch over morals, discipline and divine worship.

5° Denique ad jus canonicum pertinent etiam declarationes sacrarum Congregationum Romanarum. Hae autem Congregationes sunt coetus Cardinalium quibus a summo Pontifice certa negotia noscenda ac definienda commissa sunt. Octo numerantur, quarum tres priores ad fidem tuendam et propagandam fuerunt institutae, et reliqua moribus, disciplina et cultui divino invigilant.

47 First is the Congregation of the Inquisition, which holds first place, on account of the preeminence of its object. Paul III instituted it, and afterwards Pius IV, Pius V and finally Sixtus V determined its

attributions by many sanctions. It takes cognizance of heresy, of suspicion of heresy and of other crimes of irreligion.

> *Prima est Congregatio Inquisitionis, quae primum locum, ob praecellentiam objecti, obtinet. Paulus III eam instituit, et deinceps Pius IV, Pius V et tandem Sixtus V multis sanctionibus ejus attributiones determinarunt. Cognoscit de haeresi, de haeresis suspicione et de aliis irreligiositatis criminibus.*

48 Second is the Congregation of the Index, which Sixtus V instituted in aid of the Inquisition, to examine and proscribe books contrary to sound doctrine or Christian morals.

> *Secunda est Congregatio Indicis, quam Sixtus V instituit in subsidium Inquisitionis, ad examinandum et proscribendum libros sanae doctrinae vel moribus christianis contrarios.*

49 Third is the Congregation de Propaganda fide, which Gregory XV instituted in the year 1621 to conserve and propagate the Catholic faith in regions destitute of episcopal sees. Whence vicars and prefects apostolic and superiors of missions of the whole globe are directly and immediately subject to its authority and administration.

> *Tertia est Congregatio de Propaganda fide, quam Gregorius XV, anno 1621, instituit ad conservandam et propagandam fidem catholicam in regionibus sedibus episcopalibus destitutis. Unde ejus authoritati et administrationi directe et immediate subduntur vicarii et praefecti apostolici ac superiores missionum totius orbis.*

50 Fourth is the Congregation of the Council, instituted by St. Pius V to watch over the observance of the decrees of the council of Trent which pertain to discipline. By that title it reviews and, insofar as need be, reforms the decrees of provincial councils, which ought not to be promulgated before this revision. Sixtus V granted it moreover the power of interpreting the aforesaid Tridentine decrees.

> *Quarta est Congregatio Concilii, a S. Pio V instituta ad invigilandum observationi decretorum concilii Tridentini quae ad disciplinam spectant. Eo titulo recognoscit et, in quantum opus est, reformat decreta conciliorum provincialium, quae ante hanc revisionem promulgari non debent. Sixtus V tribuit ei insuper potestatem supradicta decreta Tridentina interpretandi.*

51 Fifth is the Congregation of Bishops and Regulars, which resolves questions and settles doubts concerning the rights, jurisdiction, precedences and native exemptions of prelates. It also takes up the causes of regulars of both sexes, to be known and settled according to the rules of law.

> *Quinta est Congregatio Episcoporum et Regularium, quae resolvit quaestiones et dirimit dubia circa praelatorum jura, jurisdictionem, praecedentias et exemptiones natas. Suscipit etiam regularium utriusque sexus causas juxta regulas juris cognoscendas et dirimendas.*

52 Sixth is the Congregation of Immunity, instituted by Urban VIII in the year 1624 to provide that no prejudice be inflicted upon the immunities of the Church. To it alone belong affairs, processes, judgments devolved by appeal, which pertain to local immunity. It takes cognizance also, but cumulatively with other congregations, of real and personal immunity.

> *Sexta est Congregatio Immunitatis ab Urbano VIII, anno 1624, instituta ad providendum ne praejudicium inferatur immunitatibus Ecclesiae. Ipsi soli competunt negotia, processus, judicia per appellationem devoluta, quae spectant ad immunitatem localem. Cognoscit etiam, sed cumulative cum aliis congregationibus, de immunitate reali et personali.*

53 Seventh is the Congregation of sacred Rites. Sixtus V instituted it « that the ancient sacred rites be everywhere diligently observed, in all churches of the City and of the world; that ceremonies, should

they have fallen into disuse, be restored; should they have been depraved, be reformed. » Consequently it watches over the edition of liturgical books and, if need be, over their emendation. To it are committed also all causes which concern the beatification and canonization of saints.

> *Septima est Congregatio sacrorum Rituum. Eam instituit Sixtus V, « ut veteres sacri ritus ubivis locorum, in omnibus Urbis orbisque ecclesiis, diligenter observentur; caeremoniae, si exoleverint, restituantur, si depravatae fuerint, reformentur. » Consequenter invigilat editioni librorum liturgicorum, et si opus sit, corum emendationi. Ipsi etiam committuntur omnes causae quae beatificationem et canonizationem sanctorum respiciunt.*

54 Eighth is the Congregation of Indulgences and Relics, established by Clement IX in the year 1669. It has the mandate « of dispatching all doubt and difficulty emerging concerning relics of saints or indulgences, of correcting and amending abuses which have crept in, of forbidding false, apocryphal and indiscreet indulgences to be put to print, and of reviewing and examining those printed. »

> *Octava est Congregatio Indulgentiarum et Reliquiarum, constituta a Clemente IX, anno 1669. Mandatum habet « omnem dubietatem ac difficultatem in sanctorum reliquiis aut indulgentiis emergentem expediendi, abusus qui irrepserint corrigendi et emendandi; falsas, apocryphas, indiscretasque indulgentias typis imprimi vetandi, impressas recognoscendi et examinandi. »*

55 Thus far has been treated the sources and monuments of public law in the Church. Particular law, whether of nations or of episcopal churches, is determined and governed by the constitutions of Roman Pontiffs, by concordats or conventions entered into by the Holy See with civil governments, by the decrees of provincial councils and by statutes enacted either in synod or privately and promulgated by bishops, to whom legislative power belongs within their dioceses, provided they exercise it within the limits of public law.]

> *Hactenus actum est de fontibus et monumentis juris publici in Ecclesia. Jus particulare sive nationum sive ecclesiarum episcopalium determinatur et regitur constitutionibus Romanorum Pontificum, concordatis sive conventionibus a Sancta Sede cum guberniis civilibus initis, decretis conciliorum provincialium et statutis sive in synodo sive privatim latis et promulgatis ab episcopis, quibus potestas legislativa in suis dioecesibus competit, dummodo eam intra limites juris publici exerceant.]*

56 *You will ask* 6° what the Corpus of civil law is.

> Petes *6° quid sit Corpus juris civilis.*

57 The Corpus of civil law consists of the Digest, the Code, the Institutes and the Novels or Authentics.

> *Corpus juris civilis constat Digestis, Codice, Institutionibus, et Novellis seu Authenticis.*

58 The Digest, called by another name Pandects, as if one should say I take the whole, because they comprise in fifty books the whole science of law.

> *Digesta, alio nomine dicuntur Pandectae, quasi diceret totum capio, quia universam juris scientiam quinquaginta libris complectuntur.*

59 The Code is called of Recited Reading (Repetitae lectionis), because Justinian, after the first edition, undertook a second more careful one. It consists of twelve books distributed into various titles.

Codex dicitur Repetitae lectionis, quia Justinianus, post primam editionem, alteram accuratiorem curavit. Coalescit duodecim libris in varios titulos distributis.

60 The Institutes contain the elements of law for the benefit of beginners. They consist of four books.

Institutiones continent elementa juris in gratiam incipientium. Constant quatuor libris.

61 The Novels or Authentics are constitutions of Justinian emperor himself and of certain other emperors.

Novellae seu Authentica sunt constitutiones ipsius Justiniani imperatoris et aliquorum aliorum imperatorum.

62 [From the above-named books coalesces ancient civil law, which, arisen from Roman law, flourished for many centuries in most European regions. New law is contained both in various codes proper to each nation and in collections of laws wandering outside the codes.]

[Ex supradictis libris coalescit jus civile antiquum, quod ex jure Romano ortum per plura saecula in plerisque regionibus Europeanis viguit. Jus novum continetur tum in variis codicibus cuique nationi propriis, tum in collectionibus legum quae extra codices vagantur.]

63 *You will ask* 7° whether all things contained in the Corpus of canon law have force of laws.

Petes *7° utrum omnia quae continentur in Corpore juris canonici, habeant vim legum.*

64 *I answer.* 1° That the Decree of Gratian has no other authority than that of the sources and origins from which it was drawn.

Resp. *1° Decretum Gratiani non aliam habere authoritatem quam fontium et originum ex quibus depromptum est.*

65 The reason is, because no Pontiff ever approved it; Gratian, its author, possessed no jurisdiction. Moreover he gathered together many things without selection and worthy of correction; certain things he cites from suspect authors; certain things he attributes to holy Fathers which belong to heretics, as Bellarmine proves, de Script. eccles., on Gratian; the decrees of supreme Pontiffs and councils he often produces not from the sources but from other compilers, and not rarely mixed with his own words.

Ratio est, quia nullus unquam Pontifex illud approbavit; Gratianus, hujus author, nulla jurisdictione pollebat. Insuper multa congessit sine delectu, et emendatione digna; quaedam citat ex suspectis authoribus; quaedam tribuit SS. Patribus quae sunt haereticorum, ut probat Bellarminus, de Script. eccles. in Gratiano; SS. Pontificum et conciliorum decreta saepe non ex fontibus, sed ex aliis compilatoribus, et non raro propriis permixta verbis, profert.

66 And although Gregory XIII took care for its correction, he did not however approve it, but only ordered the corrections to be kept, without anything being added to them or taken away, as is evident from his constitution printed at the head of the Decree[1], and especially because after its correction there are still found things to be corrected. On this matter John Laurence Berti, an Augustinian Hermit, a most recent and elegant writer, reports a decision of the sacred Rota[2] which says the same.

1 Already before, Pius IV and St. Pius V had committed the correction of the Decree to selected men. Gregory XIII ordered this work completed, and approved the new edition, corrected in many things, by the bull Cum pro munere given July 1 of the year 1580 and prefixed to the Decree.

2 The Rota is the tribunal of the Roman Pontiff instituted for defining litigated causes both ecclesiastical and civil. As the Consistory is held for dispatching greater affairs, so the Audience, erected from ancient times, which is called

the Rota, was instituted that minor causes referred to the Holy See might be judged and concluded, and that the faithful from everywhere might have recourse to this tribunal. But after so many congregations had been constituted as was said above, the number of causes pertaining to this tribunal was gradually lessened.

Et quamvis Gregorius XIII curaverit ejus emendationem, non tamen ipsum approbavit, sed tantum jussit emendationes servari, absque eo quod eis aliquid adderetur aut detraheretur, ut patet ex ejus constitutione in capite Decreti impressa[1]*, et eo maxime quod, post ejus correctionem, reperiantur adhuc emendanda. In hanc rem Joannes Laurentius Berti, Eremita Augustinianus, novissimus et elegantissimus scriptor, refert decisionem sacrae Rotae*[2] *quae eadem dicit.*

[1] *Jam antea Pius IV et S. Pius V viris selectis correctionem Decreti commiserant. Gregorius XIII hoc opus perfici jussit, et novam editionem in multis emendatam approbavit per bullam Cum pro munere 1a die julii anni 1580 datam et Decreto praefixam.*

[2] *Rota est tribunal Romani Pontificis institutum ad definiendum causas litigiosas tum ecclesiasticas tum saeculares. Sicut Consistorium habetur pro expediendis negotiis majoribus, ita et Auditorium ab antiquis temporibus erectum fuit, quod Rota nominatur, ut causae minores quae ad Sanctam Sedem referuntur possent judicari et terminari, et undequaque fideles ad hoc tribunal recurrant. Verum post constitutas tot congregationes de quibus supra dictum est, paulatim imminutus fuit numerus causarum ad hoc tribunal pertinentium.*

67 Therefore those things which Gratian legitimately cites from supreme Pontiffs and councils possess the authority which they have in themselves. Likewise those which he cites truly from national or provincial councils avail for those nations or provinces for which they were sanctioned, even if confirmed by supreme Pontiffs; because confirmation indeed adds strength to a decree, but does not extend it further, as jurists note. The same must be said, proportion being preserved, of other things which he brings forward either from holy Fathers or from doctors and others.

Itaque quae Gratianus legitime citat ex SS. Pontificibus et conciliis, ea authoritate pollent quam habent in seipsis. Similiter quae veraciter citat ex conciliis nationalibus aut provincialibus, valent pro illis nationibus aut provinciis pro quibus sunt sancita, etiamsi a SS. Pontificibus sint confirmata; quia confirmatio addit quidem robur decreto, sed illud non magis extendit, ut notant jurisperiti. Idem dicendum, proportione servata, de aliis quae profert sive ex SS. Patribus, sive ex doctoribus et aliis.

68 As to the other parts of canon law, since they contain only letters, rescripts and constitutions of supreme Pontiffs, they have force of law according as they are commonly received, unless they have been revoked, or abrogated by contrary custom proved. Understand this of constitutions concerning discipline, not concerning faith; for these are unchangeable.

Quantum ad alias partes juris canonici, cum non contineant nisi epistolas, rescripta et constitutiones SS. Pontificum, vim habent legis secundum quod sunt communiter receptae, seu nisi sint revocatae, vel per contrariam consuetudinem probatam abrogatae. Intellige de constitutionibus circa disciplinam, non circa fidem; hae enim sunt invariabiles.

69 But whether rescripts of Pontiffs given to one Church avail and can be alleged for others? *I answer.* Regularly, affirmatively, especially when a decretal letter inserted into the body of law has merited public authority. And so it is observed in regard to the civil rescripts of Emperors, as appears from l. I, fi de Constitutionibus principum. Except however, says Layman after Isidore and Gratian, if the response of Pope or Emperor has proceeded from a special cause, person, place and time. For then it cannot be transferred to other causes: and therefore I said, « regularly speaking. »

Utrum vero rescripta Pontificum uni Ecclesiae data valeant et possint allegari pro aliis? Resp. *regulariter affirmative, praesertim quando decretalis epistola juris corpori inserta meruit authoritatem publicam. Et ita observatur in civilibus Imperatorum rescriptis, ut constat ex 1. I, fi de Constitutionibus principum. Excipe tamen, inquit Layman post Isidorum et Gratianum, si Papae vel Imperatoris responsum ex causa speciali, persona, loco et tempore prodierit. Tunc enim ad alias causas transferri non potest: et ideo dixi, « regulariter loquendo. »*

70 [*You will ask* 7º what authority the decisions of Roman Congregations have.

*[*Petes *7º quaenam sit authoritas decisionum Congregationum Romanarum.*

71 *I answer.* 1º. Since these Congregations were constituted by the supreme Pontiff himself, that in his name they may treat and settle the affairs committed to them, they exercise pontifical authority, and their resolutions are decisive and do not lie under appeal.

Resp. *1º. Cum hae Congregationes ab ipso Summo Pontifice fuerint constitutae, ut ejus nomine negotia sibi commissa tractent et dirimant, authoritatem pontificiam exercent, et earum resolutiones sunt decisiva et appellationi non subjacent.*

72 *I answer.* 2°. The decisions of the Congregation of the Inquisition are of two sorts: 1° It issues doctrinal sentences on doubts proposed to it: thus, in recent times it issued many decisions concerning usury and magnetism. Nevertheless, when grave controversies arise and new questions are agitated, supreme Pontiffs are wont to constitute a special congregation, to prepare the definitive decision. 2° It issues judicial sentences by which suspects of crime against faith are condemned or absolved; which penalties, at least now, are merely spiritual. In either case the sentences, as it seems, have binding force of themselves and plenary right, without appeal, because this tribunal is supreme in its kind.

Resp. *2°. Congregationis Inquisitionis decisiones sunt duplicis generis: 1° Fert sententias doctrinales de dubiis sibi propositis: sic, recentioribus temporibus multas edixit decisiones circa usuram et magnetismum. Attamen, quando graves exsurgunt controversiae et novae quaestiones agitantur, summi Pontifices solent specialem congregationem constituere, ad praeparandam decisionem definitivam. 2° Fert sententias judiciarias quibus condemnantur vel absolvuntur suspecti criminis circa fidem; quae poenae, nunc saltem, sunt mere spirituales. In utroque casu, sententiae, ut videtur, per se et pleno jure vim obligatoriam habent, sine appellatione, quia hoc tribunal supremum est in suo genere.*

73 *I answer.* 3°. The prohibitions decreed by the Congregation of the Index all bind. For 1º by natural law all are bound to guard against whatsoever brings faith into danger and is perilous to morals. But in the Index of prohibited books none but works whose reading brings faith into danger or becomes perilous to morals were inscribed, and they were inscribed by delegation of the supreme authority, to which is divinely committed the care of defending the faith and protecting morals. Therefore. 2º Positive law imposes the same obligation on all. Indeed Pius IV had committed to the Tridentine Fathers the task of forming the Index of prohibited books. Since this Index could not be examined by the council, the same Pontiff, employing many most learned prelates, perfected it, and commanded that it be observed by all faithful, and decreed that, if anyone read a condemned book, he should fall by that very fact into excommunication, and proceedings be taken against him as suspect of heresy. But since the Congregation of the Inquisition was already unequal to the examining of books, St. Pius V instituted a special congregation, which was named of the Index and ought to occupy itself solely with purging the Church of wicked books. It was confirmed by Sixtus V and Clement VIII, who in the year 1594 ordered the Index published throughout the whole world. After Benedict XIV, by the constitution Sollicita ac provida given July 9, 1753, had established the rules to be observed in examining and prohibiting books, by the subsequent constitution Quae ad catholicae, given December 23, 1757, which was prefixed to the Index, he again promulgated the Index in these words: « Wherefore we will the aforesaid Index praised, according to our mind, revised and recognized by the same cardinals, to be edited at the press of our Apostolic Chamber; and having it by these present

letters of ours as expressly inserted, we approve and confirm it by apostolic authority, by tenor of these presents, and we command and enjoin that it be observed inviolably and without disturbance by all and singular persons existing in whatever places, under the penalties set down both in the Rules of the Index and otherwise established and expressed in apostolic letters and constitutions, which we confirm and renew by tenor of the same presents. Notwithstanding... customs even immemorial, and all else to the contrary whatsoever. » The Rules of the Index conclude thus, reg. X:

> Resp. 3°. *Prohibitiones a Congregatione Indicis decretae omnes obligant. Nam 1º ex jure naturali omnes tenentur praecavere quaecumque fidem in discrimen adducunt et moribus sunt periculosa. Atqui in indice librorum prohibitorum non fuerunt inscripta nisi opera quorum lectio fidem in discrimen adducit vel moribus fit periculosa, et inscripta fuerunt ex delegatione authoritatis supremae, cui divinitus commissa est cura fidem tuendi et mores protegendi. Ergo. 2º Jus positivum eamdem obligationem omnibus imponit. Etenim Pius IV Patribus Tridentinis munus Indicem librorum prohibendorum efformandi commiserat. Cum Index iste a concilio examinari non potuerit, idem Pontifex, adhibitis pluribus doctissimis praelatis, eum perfecit, ac mandavit ut ab omnibus fidelibus observaretur, decrevitque ut, si quis librum damnatum legeret, ipso jure in excommunicationem incideret, et in eum tamquam de haeresi suspectum procederetur. Cum vero Congregatio Inquisitionis libris examinandis jam impar esset, S. Pius V specialem congregationem instituit, quae Indicis nuncupata est et unice in id incumbere debebat ut Ecclesiam a pravis libris expurgaret. Eam confirmarunt Sixtus V et Clemens VIII, qui anno 1594 Indicem per totum orbem publicari mandavit. Postquam constitutione Sollicita ac provida, data die 9 julii 1753, Benedictus XIV regulas in examine et prohibitione librorum servandas statuisset, per subsequentem constitutionem Quae ad catholicae, datam die 23 decembris 1757, quae Indici fuit praefixa, Indicem iterum promulgavit his verbis: « Absolutum itaque juxta mentem nostram laudatum Indicem et ab iisdem cardinalibus revisum atque recognitum typis Camerae nostrae Apostolicae edi voluimus, ipsumque praesentibus litteris nostris tamquam expresse insertum habentes, authoritate Apostolica tenore praesentium approbamus et confirmamus, atque ab omnibus et singulis personis ubicumque locorum existentibus inviolabiliter et inconcusse observari praecipimus et mandamus, sub ponis tam in Regulis Indicis quam in litteris et constitutionibus Apostolicis alias statutis et expressis, quas tenore earumdem praesentium confirmamus et renovamus. Non obstantibus... consuetudinibus etiam immemorabilibus, caeterisque in contrarium facientibus quibuscumque. » Regulae Indicis ita concluduntur, reg. X:*

74 « All faithful are commanded that no one presume to read or keep any books against the prescription of these rules or the prohibition of this Index. But if anyone shall have read or kept books of heretics or of any author condemned and prohibited for heresy or suspicion of false doctrine, let him straightway incur the sentence of excommunication. But he who shall have read or kept books interdicted under another name, beyond the guilt of mortal sin wherewith he is afflicted, let him be severely punished by judgment of bishops. » Leo XII, commanding all bishops, by the mandate of March 26, 1825, to watch lest the faithful be perverted by harmful and deadly books, exhibits to them the general decrees of Clement VIII, Alexander VII and Benedict XIV as remaining in their force. — Some theologians object, especially the French, that the Index was not received everywhere; and Billuart himself says in his fuller Summa, treatise on Faith, dissert. V, art. 3, § 5: « Authors observe that this Index is not accepted in its entire rigor as to all things. » It must be answered first, that the Index, from the tenor of the pontifical constitutions, and notably from the constitution Quae ad catholicae related above, was to be received and observed everywhere, with no account taken of any custom, even though immemorial; then, that many synods, immediately after the publication of the Index and in following times, promulgated its rules as strictly obligatory, which likewise in these later years have done several provincial synods of France, among them those of

Avignon, Albi, Toulouse, Reims, etc. Whence by right we conclude that all are strictly bound by these laws, unless for just causes anyone obtain dispensation from the Holy See[1].

[1] Most usefully will be read the dissertation of St. Liguori De justa prohibitione et abolitione librorum nocuae lectionis, at the end of his Theologia moralis.

> *« Omnibus fidelibus praecipitur ne quis audeat contra harum regularum praescriptum aut hujus Indicis prohibitionem libros aliquos legere aut habere. Quod si quis libros haereticorum vel cujusvis authoris scripta ob haeresim vel falsi dogmatis suspicionem damnata atque prohibita legerit sive habuerit, statim excommunicationis sententiam incurrat. Qui vero libros alio nomine interdictos legerit aut habuerit, praeter peccati mortalis reatum quo afficitur, judicio episcoporum severe puniatur. » Leo XII, omnibus episcopis praecipiens, per mandatum diei 26 martii 1825, ut invigilent ne fideles libris noxiis ac mortiferis pervertantur, eis exhibet decreta generalia Clementis VIII, Alexandri VII et Benedicti XIV ut in suo robore permaneantia. — Objiciunt aliqui theologi, praesertim Galli, Indicem non fuisse ubique receptum, et ipse Billuart dicit in fusiori sua Summa, tract. de Fide, dissert. V, art. 3, § 5: « Observant authores hunc Indicem non esse quoad omnia in toto rigore acceptum. » Respondendum est primo, Indicem, ex tenore constitutionum pontificiarum, et signanter ex constitutione Quae ad catholicae supra relata, fuisse ubique recipiendum et observandum, nulla ratione habita cujuscumque consuetudinis etiam immemorabilis; deinde, multas synodos, statim post publicationem Indicis et temporibus insequentibus, ejus regulas tamquam stricte obligatorias promulgasse, quod pariter fecerunt his posterioribus annis plures synodi provinciales Galliarum, inter quas Avenionensis, Albiensis, Tolosana, Remensis, etc. Unde jure concludimus omnes his legibus stricte ligari, nisi justis de causis dispensationem a Sancta Sede aliquis obtinuerit[1].*
>
> [1] *Utilissime legetur dissertatio S. Ligorii De justa prohibitione et abolitione librorum nocuae lectionis, ad calcem suae Theologiae moralis.*

75 *I answer.* 4°. Since the Congregation de Propaganda fide has true jurisdiction in territories destitute of episcopal sees, its decisions have force of law in those places.

> Resp. *4°. Cum Congregatio de Propaganda fide habeat veram jurisdictionem in territoria sedibus episcopalibus destituta, ejus decisiones vim legis habent in his locis.*

76 *I answer.* 5°. It is certain that the decrees of the Congregation of the Council approved by the supreme Pontiff and promulgated at Rome have force of law, as the other pontifical laws have. But what must be thought of declarations given to a case proposed? More commonly it is held that they avail as authentic interpretations, and that these interpretations have the same force as if they had been given by the Pontiff himself. It matters not that these resolutions are not promulgated in the same manner as new laws, for promulgation made to society is not required when a bare interpretation is given which introduces no new law, but declares the genuine sense of existing laws. Legitimate customs nevertheless are saved, which are not abolished by these decisions.

> Resp. *5°. Certum est decreta Congregationis Concilii a Summo Pontifice approbata et Romae promulgata vim legis habere, sicut habent caeterae leges pontificiae. Quid vero sentiendum de declarationibus datis ad casum propositum? Communius tenetur eas valere ut interpretationes authenticas, et has interpretationes vim eamdem habere, ac si ab ipsomet Pontifice fuissent datae. Non refert quod hae resolutiones non promulgentur eodem modo quo leges novae, nam promulgatio facta societati non requiritur, quando datur nuda interpretatio quae non introducit jus novum, sed sensum genuinum legum vigentium declarat. Salvantur tamen legitimae consuetudines, quae his decisionibus non tolluntur.*

77 *I answer.* 6°. The Congregation of Bishops and Regulars does not make laws, but issues merely administrative sentences according to existing law. Whence these sentences avail only decisively for the case proposed, although they may be invoked for establishing jurisprudence in similar cases.

Resp. *6°. Congregatio Episcoporum et Regularium leges non condit, sed sententias mere administrativas edit, secundum jus existens. Unde hae sententiae valent tantum decisive pro casu proposito, quamvis invocari possint ad statuendam jurisprudentiam in casibus similibus.*

78 *I answer.* 7°. To the Congregation of Immunity belong affairs, processes, judgments referred by appeal concerning local immunity. Its sentences pass into res judicata, and from these no appeal is given.

Resp. *7°. Congregationi Immunitatis competunt negotia, processus, judicia per appellationem delata circa immunitatem localem. Ejus sententiae transeunt in rem judicatam, et ab his non datur appellatio.*

79 *I answer.* 8°. That the value of the decisions of the Congregation of Rites may be known, it will suffice to relate the following resolution of the same : « On March 23, 1846, the Master General of the Friars Preachers set forth : whether the decrees emanating from the sacred Congregation and responses of any kind formally edited in writing by it upon doubts proposed have the same authority as if they emanated immediately from the holy Pontiff, although no report of them was made to His Holiness. — The S. R. C. judged that the reply should be affirmative. — And having touched upon all the foregoing by faithful report through the secretary, His Holiness our Lord Pius IX, supreme Pontiff, approved and confirmed the rescripts of the sacred Congregation in all and singular... on July 17, 1846. Authentic Decrees, n. 5051. But since from the words « formally edited in writing » a doubt arose, the Congregation of Rites resolved it, answering the following questions, on April 8, 1854 : « 1° Since in the declaration of the S. R. C. given May 23, 1846 it was sanctioned that decrees and responses emanating from it, provided they were formally edited in writing, have the same authority as if they emanated immediately from the supreme Pontiff himself, it is asked : whether by the words « provided they were formally edited in writing » it suffices that they be subscribed by the Prefect and Secretary of the S. R. C., and furnished with its seal; or rather is required that they be promulgated either at Rome or by bishops in their dioceses? 2° And inasmuch as affirmative to the first part, negative to the second : are the decrees and responses inserted in the Gardelliana authentic collection to be held as formally edited? — And the same sacred Congregation judged the answers to be : Ad 1um, affirmative to the first part, negative to the second. Ad 2m, affirmative, as is evident from the appended declaration. » But whether customs pertaining to the liturgy can be kept notwithstanding decrees of this kind? It was answered on August 3, 1839 : « Whatever inveterate custom cannot derogate from the law prescribed by the decrees of the sacred Congregation. » Likewise to the doubt : « Whether the decrees of the S. R. C., while they are issued, derogate from any contrary invected custom, even immemorial, and in the affirmative case bind even as regards conscience? The sacred Congregation answered : Affirmative, but recourse must be had in the particular. » September 11, 1847. The Gardelliana collection, of which above, so called from Gardellini, its chief editor, who was Consultor of this Congregation, was published under this title : *Decreta authentica Congregationis sacrorum Rituum*. It relates in chronological order the decrees given from the year 1602, and has already been enlarged by several supplements. This collection is authentic, as the declarations inserted at the front of the first volume by cardinal de Somaglia, Prefect of the Congregation, testify. Since not all decrees were related in it, what must be thought of omitted decrees is evident from the following decision given by this Congregation on September 17, 1822 : « Since doubts often arise concerning the authenticity of some decrees which, although found inscribed in the public registers

of the S. R. C., were nevertheless omitted in the collection edited at press, such decrees can be added to that same collection at the desire of petitioners. » N. 4590.

> Resp. *8°. Ut noscatur quis sit valor decisionum Congregationis Rituum, satis erit referre ejusdem resolutionem sequentem : « Die 23 martii 1846, Generalis Fratrum Praedicatorum exposuit : an decreta a sacra Congregatione emanata et responsiones quaecumque ab ipsa propositis dubiis scripto formaliter editae, eamdem habeant authoritatem ac si immediate a S. Pontifice promanarent, quamvis nulla facta fuerit de iisdem relatio Sanctitati Suae. — S. R. C. rescribendum censuit affirmative. — Et tacta de praemissis omnibus SS. D. N. Pio IX, Pontifici Maximo, per secretarium fideli relatione, Sanctitas Sua rescripta a sacra Congregatione in omnibus et singulis approbavit confirmavitque... die 17 juli 1846. Decreta authentica, n. 5051. Cum vero ex verbis « scripto formiter editae » dubium ortum sit, Rituum Congregatio illud resolvit sequentibus quaesitis respondens, die 8 aprilis 1854 : « 1° Cum in declaratione S. R. C. lata die 23 maii 1846 sancitum fuerit quod decreta et responsiones ab ipsa emanatae, dummodo scripto formiter editae fuerint, eamdem authoritatem habere ac si immediate ab ipso Summo Pontifice promanarent, quaeritur : an per verba « dummodo formiter scripto editae fuerint » sufficiat quod sint subscriptae a S. R. C. Praefecto et Secretario, ac ejusdem sigillo munitae, seu potius requiratur ut sint vel Romae vel ab episcopis in suis dioecesibus promulgatae? 2° Et quatenus affirmative ad primam partem, negative ad secundam : an tamquam formiter edita habenda sint decreta et responsiones in Gardelliana authentica collectione insertae? — Et sacra eadem Congregatio respondere rata est : Ad 1um, affirmative ad primam partem, negative ad secundam. Ad 2m, affirmative, uti patet ex adjecta declaratione. » An vero consuetudines ad liturgiam spectantes servari possint non obstantibus hujusmodi decretis? Responsum est die 3 augusti 1839 : « Quaecumque inveterata consuetudo in contrarium derogare non potest legi a decretis sacrae Congregationis praescriptae. » Pariter ad dubium : « An decreta S. R. C., dum eduntur, derogent cuicumque contrariae invectae consuetudini, etiam immemorabili, et in casu affirmativo obligent etiam quoad conscientiam? Sacra Congregatio respondit : Affirmative, sed recurrendum in particulari. » Die 11 septembris 1847. Collectio Gardelliana, de qua supra, a Gardellini, ejus editore praecipuo, qui fuit hujus Congregationis Consultor, vulgata est sub hoc titulo :* Decreta authentica Congregationis sacrorum Rituum. *Refert ordine chronologico decreta data ab anno 1602, et jam pluribus supplementis fuit aucta. Haec collectio est authentica, uti testantur declarationes in fronte primi tomi insertae a cardinali de Somaglia, Congregationis Praefecto. Cum non omnia decreta in ea fuerint relata, quid de decretis omissis sentiendum sit, patet ex decisione sequenti ab hac Congregatione data die 17 septembris 1822 : « Cum saepe oriuntur dubia super authenticitate nonnullorum decretorum, quae, licet in publicis tabulis S. R. C. inscripta reperiantur, nihilominus in collectione typis edita omissa fuerunt, hujusmodi decreta pro postulantium voto eidem collectioni addi possunt. » N. 4590.*

80 *I answer.* 9°. The decisions of the Congregation of Indulgences and Relics have the same force as the decrees of the Congregation of Rites, because equal power was committed to it in its province by the supreme Pontiffs. These decisions were published by Aloysius Prinzivalli under this title : *Resolutiones seu decreta authentica sacrae Congregationis Indulgentiis sacrisque Reliquiis praepositae*, from the year 1668 to the year 1861. This collection was declared authentic by the secretary of the same Congregation. Whence other decisions which circulate and are cited by diverse authors are of no force, unless given after the year 1861 and recognized by the Congregation itself as authentic. The same must be said of concessions and summaries of indulgences. This is deduced from the summary of decrees prefixed to the Index of prohibited books, where, § III, n. 12, among writings prohibited pleno jure and without express mention are declared : « All books of indulgences, diaries, summaries, booklets, leaves, etc., in which their concessions are contained, are not to be published without license of the sacred Congregation of Indulgences. »

> Resp. *9°. Decisiones Congregationis Indulgentiarum et Reliquiarum eamdem vim habent ac decreta Congregationis Rituum, quia par potestas ei in sua provincia a Summis Pontificibus fuit commissa. Hae decisiones fuerunt vulgatae ab*

Aloysio Prinzivalli, sub hoc titulo : Resolutiones seu decreta authentica sacrae Congregationis Indulgentiis sacrisque Reliquiis praepositae*, ab anno 1668 ad annum 1861. Haec collectio declarata fuit authentica a secretario ejusdem Congregationis. Unde decisiones aliae quae circumferuntur et a diversis authoribus citantur, nullius sunt roboris, nisi post annum 1861 datae, ab ipsa Congregatione ut authenticae fuerint recognitae. Idem dicendum de concessionibus et summariis indulgentiarum. Id deducitur ex summa decretorum de libris prohibitis Indici praefixa, ubi, § III, n. 12, inter scripta pleno jure et sine expressa mentione prohibita declarantur : « Indulgentiarum libri omnes, diaria, summaria, libelli, folia, etc., in quibus earum concessioness continentur, non edantur absque licentia sacrae Congregationis Indulgentiarum. »*

81 It must be noted that the jurisdiction of the Congregations, since it is ordinary and granted in perpetuity, neither expires nor is suspended during the vacancy of the Apostolic See. Wherefore, a new Pontiff created, their faculties are not renewed, but all proceeds in the same order as before, no new concession being made.]

Notandum est, jurisdictionem Congregationum, cum sit ordinaria et in perpetuum concessa, non expirare nec suspendi Apostolica Sede vacante. Quamobrem, creato novo Pontifice, non innovantur illarum facultates, sed cuncta eodem ordine procedunt quo antea solebant, nulla facta nova concessione.]

82 *You will ask* 8º what authority civil law has.

Petes *8º quae sit authoritas juris civilis.*

83 *I answer.* As to civil law, to have authority among those nations and provinces which adopted it, and are not governed by contrary customs. Among those too which are governed by contrary usages, where usage fails, common law is alleged.

Resp. *quantum ad jus civile, habere authoritatem apud eas nationes et provincias quae illud adoptarunt, nec moribus contrariis reguntur. Apud eas etiam quae usibus contrariis reguntur, ubi usus deficit, jus commune allegatur.*

What promulgation of a human law is required for it to oblige?

1 That some promulgation of law is required in order that it oblige, we said above in treating of law in common. It is now asked what kind is required for human law. And the question can be raised both concerning laws simply so called, and concerning revocatory laws of laws and privileges. Whence let there be

Aliquam legis promulgationem requiri ut obliget, diximus supra de lege in communi. Quaeritur nunc qualis requiratur ad legem humanam. Et quaestio moveri potest tum de legibus simpliciter dictis, tum de legibus revocatoriis legum et privilegiorum. Unde sit

2 **§ I. — On the promulgation of human law simply so called.**

§ I. — De promulgatione legis humanae simpliciter dictae.

3 **I say** 1°: From the nature of the thing, positive law set aside, that promulgation of human law is required and suffices by which it can morally come to the knowledge of subjects; because promulgation of law is necessary for this reason, that it become known to subjects. Therefore, from the nature of the thing, that is required and suffices by which it can morally and in a human way come to the knowledge of subjects, if not simultaneously, at least successively.

***Dico** 1° : Ex natura rei et secluso jure positivo, ea requiritur et sufficit legis humanae promulgatio qua possit moraliter devenire in notitiam subditorum; quia ideo necessaria est legis promulgatio, ut subditis innotescat. Ergo, ex natura rei,*

ea requiritur et sufficit, qua possit moraliter et humano modo devenire in notitiam subditorum, si non simul, saltem successive.

4 **I say** 2°: Positive law being considered, the imperial law must be promulgated in each province, or in their metropolis, in order that it oblige in them. So it is commonly held.

***Dico** 2°: Attento jure positivo, lex imperialis debet promulgari in singulis provinciis, seu in earum metropoli, ut in iis obliget. Ita communiter.*

5 *It is proved* from Novella 66 of Justinian on newly made constitutions [Novellarum constitutions], where the emperor decrees that his laws then at last oblige in the provinces when they have been promulgated in their metropoles.

Probatur *ex Novella 66 Justiniani ut factae novoe constitutiones, ubi imperator decernit tunc demum suas leges in provinciis obligare, cum in earum metropolibus fuerint promulgata.*

6 The same seems to be said of kingdoms and provinces which use Caesarean law, on account of the cited Novella.

Idem videtur dicendum de regnis et provinciis quae jure Caesareo utuntur, propter Novellam citatam.

7 But as to other kingdoms and provinces, we must stand by the terms of the first conclusion, or hunt out from the circumstances what may be the intention of the legislator, unless usage has determined something special.

Quantum vero ad alia regna et provincias, standum est terminis primae conclusionis, aut venandum ex circumstantiis qua sit intentio legislatoris, nisi usus aliquid speciale statuerit.

8 **I say** 3°: It seems more probable that pontifical laws establishing new right and inducing a new obligation must be promulgated in each province or diocese at least virtually, in order that they oblige in them; unless the Pontiff express the contrary.

***Dico** 3°: Probabilius videtur leges pontificias statuentes jus novum et novam obligationem inducentes, debere in singulis provinciis seu dioecesibus promulgari saltem virtualiter, ut in iis obligent; nisi contrarium exprimat Pontifex.*

9 *It is proved* 1°. In those things in which canonical law decrees nothing, we must stand by civil law. But civil law requires, as we said, the promulgation of a law in each province in order that it oblige in them, and canonical law decrees nothing on this matter. Therefore. — The major is proved from canonical law itself, cap. *Intelleximus*, Decretal. lib. V, tit. 32, De novi operis enuntiatione, where it is said: « As laws do not disdain to imitate the sacred canons, so the institutions of the sacred canons are aided by the constitutions of princes. »

Probatur *1º. In quibus jus canonicum nihil decernit, standum est juri civili. Atqui jus civile exigit, ut diximus, promulgationem legis in singulis provinciis, ut in iis obliget, et jus canonicum nihil hac de re decernit. Ergo. — Prob. maj. ex ipso jure canonico, cap.* Intelleximus, *Decretal. lib. V, tit. 32, De novi operis enuntiatione, ubi dicitur : « Sicut leges non dedignantur sacros canones imitari, ita sacrorum instituta canonum principum constitutionibus adjuvantur. »*

10 *It is proved* 2°. Promulgation of law is required for this reason, that it can become known to subjects. But this will be obtained only with the greatest difficulty and after a very long time in the most vast empire of the Church extended even to the farthest parts of the world, if it be promulgated

only at Rome; but easily and within a short time, if it be promulgated in each province. Therefore the will of the Pontiffs is thus presumed in law, when they do not express the contrary.

> Probatur *2º. Ideo legis promulgatio requiritur, ut possit innotescere subditis. Atqui id non nisi difficillime et post longissimum tempus obtinebit in vastissimo Ecclesiae imperio ad extremas usque mundi partes extenso, si solum Romae promulgetur; facile autem et intra breve tempus, si promulgetur in singulis provinciis. Ergo ita velle Pontifices jure praesumitur, quando contrarium non exprimunt.*

11 *It is proved* 3° from inconveniences. If a law promulgated only at Rome obliged everywhere, grave incon-

> Probatur *3° ab inconvenientibus. Si lex Romae tantum promulgata obligaret ubique, sequerentur gravia incon-*

12 [1]

[1] In Gaul, promulgation is made by the king or by the supreme magistrate of the republic through a decree which ought to be inserted into the authentic collection of laws, which is called Bulletin des lois. On the first day after promulgation, the law obliges in the prefecture in which the seat of government is, and in the other prefectures one day is added for every ten myriameters, unless the prefects are bidden by the supreme authority, for urgent cause, to accelerate the promulgation.

> *1*
>
> *[1] In Gallia, promulgatio fit a rege vel a magistratu supremo reipublicae per decretum quod collectioni authenticae legum, quae dicitur Bulletin des lois, inseri debet. Prima die post promulgationem, lex obligat in praefectura in qua est sedes gubernii, et in caeteris praefecturis additur una dies pro decem myriametris, nisi ex urgente causa praefectis ab authoritate suprema jubeatur ut promulgationem accelerent.*

13 venientias would follow. For it would follow that, if it were an irritating law, say of marriage in the fifth degree of consanguinity, all marriages contracted in that degree by the ignorant would be invalid. But if it were a law only forbidding or commanding, say a fast, deformity and confusion would be introduced among the inhabitants of the same province or city, and occasion would be given to scruples and anxieties; for those who learned something of the Roman promulgation would be bound to fast, and while the greater part was ignorant, the few who learned it could observe the law neither easily nor fittingly, and thence scruples and anxieties. Therefore we say with foundation that the Sovereign Pontiffs, whose rule is sweet and benign, and to whom power is given for edification and not for destruction, do not will their laws to oblige in provinces before they are promulgated in them, unless they declare that they intend otherwise.

> *venientia. Sequeretur enim quod, si esset lex irritans, puta matrimonium in quinto gradu consanguinitatis, omnia matrimonia ab ignorantibus contracta in isto gradu, essent invalida. Si autem sit lex tantum vetans aut jubens, puta jejunium, induceretur difformitas et confusio inter incolas ejusdem provinciae vel civitatis, dareturque locus scrupulis et anxietatibus; qui enim aliquid rescirent de promulgatione Romana, tenerentur jejunare, et dum major pars ignoraret, pauci qui rescirent neque commode neque convenienter legem observare possent, et inde scrupuli et anxietates. Ergo fundate dicimus SS. Pontifices, quorum regimen suave est et benignum, et quibus data est potestas ad aedificationem et non ad destructionem, nolle suas leges in provinciis obligare antequam in illis promulgentur, ni aliter se intendere declarent.*

14 *It is confirmed.* The common opinion is that even a pontifical law not received by usage does not oblige, chiefly for this reason, that the mind of the legislator is presumed to be that it not oblige in this case. But it is far more consonant with equity and reason to presume that he does not intend his

law to oblige because it is not sufficiently promulgated, than because, although promulgated, it is not received. Therefore. Finally, the Sovereign Pontiffs know that many of their laws are not observed in many provinces through defect of promulgation. For this reason the bull of the Cenacle does not oblige in Gaul; clandestine marriages in certain places in which the Tridentine [decree] was not promulgated are still valid; and so many other things. Likewise they know that our opinion is handed down by many, and yet they are silent. Therefore it is a sign that this is their mind, that their own laws do not oblige in those provinces in which they have not been promulgated.

> Confirmatur. *Communis sententia est, legem etiam Pontificiam usu non receptam non obligare, ea potissimum ratione, quod praesumatur non esse mentem legislatoris quod in hoc casu obliget. Atqui aequitati et rationi longe magis est consentaneum praesumere quod non intendat legem suam obligare quia non est sufficienter promulgata, quam quia, licet promulgata, non est recepta. Ergo. Tandem SS. Pontifices sciunt plures suas leges in multis provinciis non observari defectu promulgationis. Hac ratione bulla Coenae non obligat in Gallia, matrimonia clandestina in aliquibus locis, in quibus non fuit promulgatum Tridentinum, sunt adhuc valida, et sic plura alia. Item norunt nostram sententiam a multis tradi, et tamen silent. Ergo signum est hanc esse eorum mentem ut suae leges non obligent in iis provinciis in quibus non sunt promulgatae.*

15 I said 1° in the conclusion: « Pontifical laws establishing new right and inducing a new obligation; » because, if a pontifical law only declares ancient right, whether natural, divine, or human sufficiently promulgated, it suffices, as far as the force of promulgation goes, that it be promulgated at Rome, in order that it oblige everywhere those who in any way whatsoever learn of that promulgation. Whence dogmatic laws declaring something to pertain to the faith, condemning propositions or books containing errors against faith or morals, do not need to be promulgated in each province in order that they oblige in them, but it suffices that it be known in any way whatsoever that they were so declared by the Church or the holy See; the reason is, because they are not so much laws as declarations of laws already promulgated. But by the very fact that anyone in any way whatsoever learns — whether by promulgation, by divulgation, or by his own study — that something is contrary to right, whether natural, divine, or even promulgated human law, he is bound to avoid it. Therefore especially if he knows, through divulgation, of the solemn pontifical definition so deciding and declaring, at least as far as the force of promulgation and knowledge goes.

> *Dixi 1° in conclusione : « Leges pontificiae statuentes jus novum et novam inducentes obligationem; » quia, si lex pontificia declaret tantum jus antiquum, sive naturale, sive divinum, sive humanum sufficienter promulgatum, sufficit, quantum est ex vi promulgationis, quod promulgetur Romae, ut ubique obliget illos qui illam promulgationem quovis modo resciverint. Unde leges dogmaticae declarantes aliquid pertinere ad fidem, damnantes propositiones aut libros continentes errores contra fidem aut mores, non indigent promulgari in singulis provinciis, ut in iis obligent, sed sufficit quod quovis modo constet ita fuisse ab Ecclesia vel sancta Sede declaratum; ratio est, quia non tam sunt leges, quam declarationes legum jam promulgatarum. Hoe ipso autem quod quis quovis modo cognoscit, sive promulgatione, sive divulgatione, sive proprio studio, aliquid esse contrarium juri vel naturali, vel divino, vel etiam humano promulgato, tenetur illud vitare. Ergo maxime, si illi constet per divulgationem de solemni definitione pontificia ita decernente et declarante, saltem quantum est ex vi promulgationis et notitiae.*

16 I said 2°: « Unless the Pontiff express the contrary; » because, if the Sovereign Pontiff declared that he willed his law promulgated at Rome to oblige everywhere for some urgent cause, say because he knew that the promulgation of his law, exceedingly useful to the Church, would be unjustly impeded by malevolent men, or because the matter admits no delay, etc., we concede that then it would oblige everywhere; because, although ordered reason for introducing a law with fruit and effect and without

inconveniences requires promulgation in each province, nevertheless per accidens and on account of necessity less can suffice; and if any inconvenience arise thence, it can be neglected and compensated by the fruit and effect of the law, which would have been wanting had it been bound to be promulgated in each province. Nor is it entirely similar in the case of the emperor, who perhaps, even setting positive law aside, could not do this, because he holds his authority originatively from the people, who according to some are not reckoned to have conferred upon him the power of enacting laws without their being promulgated in his provinces. But the Pontiff holds his authority immediately from Christ, and therefore independent of the nod and modification of peoples, but to be exercised as he shall judge more useful for the good of the Christian commonwealth.

> *Dixi 2º : « Nisi contrarium exprimat Pontifex; » quia, si SS. Pontifex declararet se velle legem suam Romae promulgatam obligare ubique ex aliqua urgenti causa, puta quia scit promulgationem suae legis apprime Ecclesiae utilis fore a malevolis injuste impediendam, vel quia res non patitur moram, etc., concedimus quod tunc obligaret ubique; quia, quamvis ordinata ratio legis introducendae cum fructu et effectu et sine inconvenientibus requirat promulgationem in singulis provinciis, per accidens tamen et propter necessitatem potest minor sufficere; et si aliquod inconveniens inde oriatur, potest negligi et compensari per fructum et effectum legis, qui defuisset, si debuisset in singulis provinciis promulgari. Neque omnino simile est de imperatore, qui forte, etiam secluso jure positivo, id non posset, quia habet authoritatem suam originative a populo, qui secundum aliquos non censetur ei contulisse potestatem ferendi leges absque eo quod promulgentur in suis provinciis. Pontifex autem habet suam authoritatem immediate a Christo, ideoque independentem a nutu et modificatione populorum, sed exercendam prout utilius judicaverit expedire reipublicae Christianae.*

17 *You will say*: There are many laws inserted into the body of canonical law, as decretals and others, which were promulgated only at Rome. Yet they oblige everywhere. Therefore.

> Dices *: Sunt multa leges corpori juris canonici insertae, ut decretales et aliae, quae nonnisi Romae fuerunt promulgatae. Atqui tamen ubique obligant. Ergo.*

18 *I answer.* 1°. I retort the argument. There are many laws which do not oblige everywhere, through defect of promulgation in each province, as appears from the proofs of the conclusion. Therefore.

> Resp. *1°. Retorqueo argumentum. Sunt multae leges quae non obligant ubique, defectu promulgationis in singulis provinciis, ut patet ex probationibus conclusionis. Ergo.*

19 *I answer.* 2°. I distinguish the major. Those which were promulgated formally only at Rome, I concede; virtually, I deny. For by the very fact that they are inserted by the authority and command of the Sovereign Pontiffs into the body of the law and read publicly in the schools, they are reckoned virtually and more than virtually, and therefore sufficiently, promulgated. The same I say of a law promulgated only at Rome which should be received and held in use by the faithful; for practice and usage would hold the place of promulgation: and thus the bull of the Cenacle obtained its force in many provinces.

> Resp. *2°. Dist. maj. Quae nonnisi Romae fuerunt promulgatae formaliter, transeat ; virtualiter, nego. Hoe ipso enim quo authoritate et jussu SS. Pontificum inseruntur corpori juris et publice leguntur in scholis, censentur virtualiter et plusquam virtualiter, ideoque sufficienter, promulgatae. Idem dico de lege quae solum Romae promulgata, reciperetur et in usu haberetur a fidelibus; praxis enim et usus teneret locum promulgationis : et ita bulla Coenae vim obtinuit in pluribus provinciis.*

20 As to what is commonly said, « That the Pope has feet of lead and not of feathers, » which some understand, because he is not bound to run through each province in order to promulgate his laws in them, I reply that the Pope has no need of feathered feet for running through all provinces for the sake of promulgating his laws, since everywhere he has legates, nuncios, bishops, to whom he can commit this office. [The opposite opinion, which seems true to us, is common.

> *Quantum ad id quod vulgariter dicitur, « Papam habere pedes plumbeos non plumeos, » quod quidam intelligunt, quia non tenetur per singulas provincias discurrere, ut in iis suas leges promulget, resp. Papam non indigere pedibus plumeis ad discurrendum per omnes provincias, leges suas promulgandi causa, cum ubique habeat legatos, nuntios, episcopos, quibus hoc officium demandare possit. [Opposita sententia, quae vera nobis videtur, communis est.*

21 For elucidating the question, a distinction must be made between the promulgation of a law and its divulgation. Promulgation is the act by which a superior intimates to the community, in the manner which he judges fitting and opportune, his will of commanding or forbidding something. By this act he properly constitutes his law, because promulgation, as has been proved, pertains to the essence of law. Divulgation, however, is the diffusion by which the law, now enacted, reaches the ears and consciences of the individual subjects. Divulgation indeed is required in order that subjects be bound to observe the law, but not in order that the law obtain its intrinsic virtue of obliging. Whence through promulgation the law has first act, and through divulgation it arrives at second act. Promulgation is made by the legislator himself, who thus manifests his will and exercises his office, unless it seem expedient to him that the law be intimated by the Ordinaries of places, who are not properly promulgators, but organs and heralds of the legislator. But when these superiors of their own motion publish a law passed by the supreme authority, they do not promulgate it, but divulge it; and this authentic divulgation makes the law undoubted. Divulgation made through ordinary channels likewise confers second act upon the law, provided its existence becomes certain. Whence

> *Ad elucidandam quaestionem, distinguendum est inter promulgationem legis et ejus divulgationem. Promulgatio est actus quo superior communitati intimat, modo quem convenientem et opportunum judicat, voluntatem suam aliquid praecipiendi vel prohibendi. Per hunc actum legem suam proprie constituit, quia promulgatio, ut probatum est, ad essentiam legis pertinet. Divulgatio vero est diffusio qua ad aures et conscientias singulorum subditorum lex jam statuta pervenit. Requiritur quidem divulgatio ut subditi teneantur legem observare, non vero ut lex vim intrinsecam obligandi obtineat. Unde per promulgationem lex actum primum habet, et per divulgationem ad actum secundum pervenit. Promulgatio fit ab ipso legislatore, qui sic voluntatem suam manifestat et munus suum exercet, nisi ei expedire videatur ut lex intimetur ab Ordinariis locorum, qui non sunt proprie promulgatores, sed legislatoris organa et praecones. Cum vero proprio motu hi superiores legem ab authoritate suprema latam publicant, eam non promulgant, sed divulgant, et haec divulgatio authentica legem indubiam efficit. Divulgatio per vias communes facta, legi pariter actum secundum confert, modo ejus existentia certa fiat. Unde*

22 **I say** with Cardinal Gotti, de Legib., q. 6, dub. 4, § 1, n. 6: « If by his law the Pontiff expresses nothing to the contrary, as soon as a pontifical law is promulgated at Rome, without any other solemn promulgation of provinces and cities the Ordinaries are bound to take care that it be observed in their dioceses, and for this reason the pontifical mandate is wont to be directed to them. But even if it were not directed to them, they would be bound, when it came to their knowledge, to procure its observance. »

> ***Dico** cum cardinali Gotti, de Legib., q. 6, dub. 4, § 1, n. 6 : « Si nihil sua lege Pontifex exprimat contrarium, statim ac lex pontificia Romae promulgata est, absque alia solemni promulgatione provinciarum et urbium Ordinarii curare*

tenentur ut in suis dioecesibus observetur, et hac ratione mandatum pontificium ad eos dirigi solet. Quod si etiam non dirigeretur, tenerentur, cum ad eorum notitiam devenerit, ejus observantiam procurare. »

23 *It is proved*: 1° It suffices that pontifical laws be promulgated at Rome in order that all whom they concern be obliged, if it be lawful for the supreme Pontiff to will this, if he wills it, and if usages and custom consonant with law so bear it. But these three things are established. Therefore. — Proof of the minor. 1° It is certain that not only is promulgation absolutely necessary in order that true law be constituted and obtain the virtue of obliging, but also that the mode of promulgation is left to the judgment of the legislator, provided he manifest his will certainly to his subjects. Therefore it is lawful for the supreme Pontiff to will that the law which he promulgates only at Rome oblige all whom it concerns. 2º The will of the supreme Pontiff must be understood from the tenor of the documents by which he promulgates laws. But two clauses are commonly used when papal bulls are affixed at Rome in the accustomed places. The first is: « But that the present letters may more easily come to the notice of all, and no one can allege ignorance of them, we will that they be affixed and published at the doors, etc., and thus published, arrest and affect all and each whom they concern, just as if they had been personally intimated to each of them. » The other says: « But we will that to transumpts of the present letters, even printed ones, subscribed by the hand of some public notary and fortified with the seal of a person constituted in ecclesiastical dignity, exactly the same observance be shown everywhere, both in judgment and outside it, as if they had been exhibited or shown to each one. » If it happen that these clauses be changed as to words, they always exhibit the same sense, and from these the will of the legislator appears without ambiguity. Therefore. 3° Upon such promulgation being made, all causes which are brought to the Roman court are judged and terminated according to these laws: whence the right [jus] is established. Elsewhere today nowhere is it doubted that pontifical laws oblige once they have been published at Rome in the customary manner and affixed in the accustomed places. Therefore. And herein fact accords with law; for in cap. *Ad hoec*, de postulat. praelat., Decretal. lib. I, tit. 5, c. 1, it is read: « Nor let it be necessary, when a constitution is solemnly issued or publicly promulgated, to impress its knowledge upon the ears of individuals by special mandate or letters; but it suffices only that he be held to its observance who knows it to have been solemnly issued or publicly promulgated. »

Probatur *: 1° Sufficit leges pontificias Romae promulgari, ut omnes quos respiciunt obligent, si summo Pontifici id velle liceat, si id velit, et si juri consonantes ita ferant usus et consuetudo. Atqui haec tria constant. Ergo. — Prob. minor. 1° Certum est, non solum promulgationem absolute necessariam esse ut vera lex constituatur et vim obligandi obtineat, sed etiam modum promulgationis arbitrio legislatoris relinqui, dummodo voluntatem suam certo subditis manifestet. Ergo summo Pontifici licet velle ut lex quam Romae tantum promulgat, omnes quos respicit obliget. 2º Voluntas summi Pontificis intelligenda est ex tenore documentorum quibus leges promulgat. Atqui duae clausulae communiter usurpantur, cum bullae pontificiae Romae in locis consuetis affiguntur. Prima est : « Ut autem praesentes litterae ad omnium notitiam facilius perveniant, et nemo illarum ignorantiam allegare valeat, volumus illas ad valvas, etc., affigi et publicari, sicque publicatas omnes et singulos quos illae concernunt perinde aretare et afficere, ac si unicuique eorum personaliter intimatae fuissent. » Altera dicit : « Volumus autem ut praesentium litterarum transumptis etiam impressis, manu alicujus notarii publici subscriptis et sigillo personae in dignitate ecclesiastica constitutae munitis, eadem prorsus, tam in judicio quam extra illud, ubique adhibeatur observantia, ac si unicuique forent exhibitae vel ostensae. » Si contingat has clausulas quoad verba mutari, sensum eumdem semper exhibent, et ex his voluntas legislatoris sine ambiguitate apparet. Ergo. 3° Facta hujusmodi promulgatione, omnes causae quae ad Romanam curiam deferuntur, secundum has leges judicantur et terminantur : ex quo jus statuitur. Aliunde hodie nullibi dubitatur leges pontificias obligare cum Romae more solito fuerunt publicatae et in locis consuetis affixae. Ergo. Et in hoc factum juri consonat;*

nam in cap. Ad hoec*, de postulat. praelat., Decretal. lib. I, tit. 5, c. 1, legitur : « Nec sit necessarium, cum constitutio solemniter editur, aut publice promulgatur, ipsius notitiam singulorum auribus per speciale mandatum vel litteras inculcare ; sed solum sufficit ut ad ejus observantiam teneatur qui noverit eam solemniter editam aut publice promulgatam. »*

24 2° That cannot be admitted which would take away the law's strength, weaken the supreme authority, and impede the unity of governance. But if pontifical laws concerning the universal Church could not suffice by being promulgated at Rome, this threefold inconvenience would follow; for 1° the law would in no way avail in places where it was not promulgated by the bishops for whatever cause; 2° the exercise of supreme authority could easily be impeded by the Ordinaries of places, whenever it pleased them to hold themselves negatively toward its commands; 3° thence in many things, and even in matters of greatest moment, often not without grave detriment to the public good, varieties of discipline would suffer in neighboring regions. Therefore.

2° Illud admitti non potest, quod legi robur suum auferret, authoritatem supremam infirmaret et unitatem regiminis impediret. Atqui, si non sufficeret leges pontificias Ecclesiam universalem respicientes Romae promulgari, hoc triplex inconveniens sequeretur; nam 1º lex nullo modo valeret in locis ubi ab episcopis quacumque ex causa non promulgaretur; 2° authoritatis supremae exercitium facile impediretur ab Ordinariis locorum, cum eis placeret se negative erga ejus jussa habere; 3° exinde in multis, et etiam in rebus maximi momenti, non sine gravi boni publici detrimento, saepe in regionibus finitimis disciplina varietates pateretur. Ergo.

25 *You will object*: That must be held which the Church teaches by facts. But the Church teaches by facts that laws do not oblige unless they have been promulgated in the diverse provinces. Therefore. — Proof of the minor. 1° The Apostles sent the decree issued in the Council of Jerusalem to the brethren who were at Antioch, and Syria, and Cilicia, through Judas and Silas, chief men among the brethren, *Act.*, XV, 22 et 23. 2º The Fourth Lateran Council, under Innocent III, decreed that the constitution which it had issued against physicians who do not persuade the sick to summon a priest would have its force only « after it has been published by the prelates of the places. » 3º The Council of Trent, irritating clandestine marriages, sess. XXIV, de reform. matrim., cap. 1, « decrees that a decree of this kind begin to have its force in each parish after thirty days, to be counted from the day of the first publication made in the same parish. » Therefore.

Objicies *: Illud tenendum est quod Ecclesia factis docet. Atqui Ecclesia factis docet leges non obligare, nisi fuerint in diversis provinciis promulgatae. Ergo. — Prob. min. 1° Apostoli decretum in concilio Hierosolymitano editum miserunt his qui erant Antiochiae, et Syria, et Ciliciae fratribus, per Judam et Silam, viros primos in fratribus,* Act.*, XV, 22 et 23. 2º Concilium Lateranense IV, sub Innocentio III, statuit constitutionem quam ediderat contra medicos qui infirmis non suadent ut sacerdotem advocent, robur suum habituram esse tantum « postquam per praelatos locorum fuerit publicata. » 3º Concilium Tridentinum matrimonia clandestina irritans, sess. XXIV, de reform. matrim., cap. 1, « decernit ut hujusmodi decretum in unaquaque parochia suum robur post triginta dies habere incipiat, a die primae publicationis in eadem parochia facta numerandos. » Ergo.*

26 *I answer.* I deny the minor. Not only could the alleged texts be adduced in proof, they clearly show on the contrary that, when the Roman Pontiffs or ecumenical councils will some law not to oblige before it has been published in the diverse regions of the world, they expressly declare this, because in this they derogate from the general rule. To be noted, in confirmation of this rule, is that the said councils commit to the Ordinaries of places, not the promulgation of the law, which is made by the legislator himself, but its publication; so that the law, which by the very fact of promulgation

obtained its obligatory force and its first act, is suspended as to execution until it obtain second act through publication.

> Resp. *Nego min. Nedum textus allegati in probationem adduci possint, elare ostendunt e contra quod, cum Romani Pontifices vel concilia oecumenica volunt aliquam legem non obligare antequam fuerit publicata in diversis regionibus orbis, expresse id declarant, quia regulae generali in hoc derogant. Advertendum est, in confirmationem hujus regulae, concilia praedicta committere Ordinariis locorum, non promulgationem legis, qua fit ab ipso legislatore, sed ejus publicationem, ita ut lex quae ipso facto promulgationis vim obligatoriam et actum suum primum obtinuit, suspenditur quantum ad executionem quoadusque actum secundum obtineat per publicationem.*

27 *You will ask* how bishops ought to promulgate their laws.

> Petes *quomodo episcopi leges suas promulgare debeant.*

28 *I answer.* The doctrine expounded above regards laws of whatever kind. On the promulgation of synodal statutes Benedictus XIV says, de Synodo dioec., lib. XIII, cap. 4: « The manner in which this promulgation is to be made is not specifically defined by law. Wherefore Suarez rightly asserts, lib. IV de Legib., c. 5, n. 8, that laws passed by bishops are sufficiently promulgated if either they are read publicly in the cathedral church, or they are announced by the voice of a herald in the square of the city to bystanders, or written they are affixed in a public place designated for this purpose. Nay more, if synodal statutes regard not the people but only the clergy of the diocese, they do not need a publication distinct from that which is made in the very synod, to which the principal part of the same clergy is present; since Innocent III, in cap. Ad haec, de postulat. praelat., says disjunctively that the bond of the law extends over all « when it is solemnly issued, or publicly » promulgated. » Now no law is more solemnly issued than that which is made in the assembly of the principal part of those upon whom it bears. » As to laws passed outside the synod, it is lawful for the bishop to choose the mode of promulgation which seems to him more apt and fitting, that the knowledge of the law reach all his subjects, given the circumstances of the times.]

> Resp. *Doctrina supra exposita ad leges quascumque spectat. De statutorum synodalium promulgatione dicit Benedictus XIV, de Synodo dioec., lib. XIII, cap. 4 : « Modus quo haec promulgatio sit facienda non est speciatim a jure praefinitus. Quare merito Suarez, lib. IV de Legib., c. 5, n. 8, asserit leges ab episcopis latas sufficienter promulgari, si aut publice legantur in ecclesia cathedrali, aut voce praeconis in platea civitatis adstantibus significentur, aut scriptae affigantur in loco publico ad hoc designato. Quinimo, si statuta synodalia, non populum, sed solum respiciant dioecesis clerum, alia non indigent publicatione ab ea distincta quae fit in ipso synodo cui interest praecipua pars ejusdem cleri ; siquidem Innocentius III, in cap. Ad haec, de postulat. praelat., disjunctive ait legis vinculum in omnes protendi « cum solemniter editur, aut publice » promulgatur. » Nulla autem lex magis solemniter editur, ea quae fit in consessu praecipuae partis eorum in quos fertur. » Quoad leges extra synodum latas, episcopo fas est eligere modum promulgationis qui ei aptior et convenientior videtur, ut notitia legis ad omnes subditos perveniat, pro temporum adjunctis.]*

29 On revocatory laws.

> *De legibus revocatoriis.*

30 A distinction must be made between a revocatory law of an onerous law, whereby indeed something is commanded or forbidden, or by which someone is rendered unfit or a penalty decreed, and a revocatory law of a privilege or grace. Also the revocation of a privilege or grace is either made publicly by common law, or privately by messenger or by letter. According to these distinctions I lay down the three following conclusions.

Distinguendum est inter legem revocatoriam legis onerosae, qua nempe aliquid praecipitur aut prohibetur, vel qua quis inhabilitatur aut poena decernitur, et legem revocatoriam privilegii seu gratiae. Item revocatio privilegii seu gratiae vel fit publice per legem communem, vel privatim per nuntium aut per litteras. Juxta has distinctiones pono tres sequentes conclusiones.

31 **I say** 1°: For the valid revocation of an onerous law, promulgation is not required, but it suffices that it be externally manifested; not however if it be conceived only in the mind.

***Dico** 1° : Ad revocationem validam legis onerosae, non requiritur promulgatio, sed sufficit si exterius manifestetur, non autem si sola mente concipiatur.*

32 *It is proved.* Law binds no one except by the will of the legislator, from which it has the virtue of obliging. Therefore, when the legislator wills and declares that his law no longer binds, its obligation ceases; and this the more, since it is something favorable from which injury is done to none nor damage inflicted, and therefore to be extended.

Probatur. *Lex neminem adstringit, nisi de voluntate legislatoris, a qua vim habet obligandi. Ergo, quando legislator vult et declarat suam legem non amplius ligare, cessat ejus obligatio; idque eo magis, quod sit aliquid favorabile ex quo nulli fit injuria aut infertur damnum, ideoque ampliandum.*

33 Nor does it matter that laws must be promulgated, as was said. For that is true only of true laws, not of revocations of laws, which are not true laws, but destructions of laws; for less is required to destroy a law than to establish it, because evil and destruction arise from any defect whatsoever, good and constitution from an integral cause.

Neque refert leges debere promulgari, ut dictum est. Id namque verum est dumtaxat de veris legibus, non de revocationibus legum, quae non sunt verae leges, sed destructiones legum ; minus enim requiritur ad destruendum legem, quam ad illam adstruendam, quia malum et destructio est ex quovis defectu, bonum et constitutio ex integra causa.

34 I said: « Not however if it be conceived only in the mind; » because, as men are sensible, so they are governed by sensible actions and signs, not by the interior concepts of the soul alone. Therefore a revocation conceived only in the mind does not avail.

Dixi : « Non autem si sola mente concipiatur; » quia, sicut homines sunt sensibiles, ita reguntur actionibus et signis sensibilibus, non autem solis interioribus animae conceptibus. Ergo revocatio sola mente concepta non valet.

35 **I say** 2°: When the revocation of a privilege or grace is made through a common law to be promulgated, it seems more probable to me that, speaking per se and regularly, promulgation in the metropolis of each province is required and suffices; so that, this promulgation being posited, the privilege be revoked and acts done be null, although done by those ignorant of it.

***Dico** 2º : Quando revocatio privilegii vel gratiae fit per legem communem promulgandam, probabilius mihi est, per se et regulariter loquendo, requiri et sufficere promulgationem in metropoli cujusque provinciae ; ita ut, posita hac promulgatione, privilegium sit revocatum, et acta sint irrita, quamvis ab ignorantibus fiant.*

36 *It is proved.* Although a merely revocatory law of a privilege is not a true law, but an abrogation of a private law, yet since it conduces to forming morals, and men ought to act according to it, so that, if they act against it and use unknowingly a revoked privilege, they incur grave inconveniences, it is required and suffices that it be so promulgated that it can easily and conveniently come to the knowledge of subjects; for this is altogether congruous with reason, and thus it is presumed in law of

the mind of an equitable legislator. But if it be promulgated only in the court, either of the Pope or of a prince, it will come with difficulty to the knowledge of subjects; easily, if it be promulgated in the metropolis of each province[1]. *Therefore.*

[1] To this end was the reply given above, when we laid down that it suffices, in order that any law whatever obtain its effect, that it be promulgated in the place where it is observed. …

> Probatur. *Quamvis lex mere revocatoria privilegii non sit vera lex, sed abrogatio legis privatae, cum tamen conducat ad mores informandos, et secundum illam agere debeant homines, ita ut, si agant contra illam et utantur inscienter privilegio revocato, gravia incurrant inconvenientia, requiritur et sufficit quod ita promulgetur, ut facile et commode possit in notitiam subditorum pervenire ; id namque omnino rationi congruum est, et ita jure praesumitur de mente aequi legislatoris. Atqui, si promulgetur in sola curia vel Papae vel principis, difficile perveniet ad notitiam subditorum; facile, si in metropoli cujusque provinciae promulgetur*[1]. Ergo.
>
> [1] *Ad hoc fuit responsum supra, cum statuimus sufficere, ut lex quaecumque suum effectum obtineat, quod promulgetur in loco ubi servatur.* …

37 *I said:* « Speaking per se and regularly; » because, if the legislator declares the contrary for a just cause, or custom obtains otherwise, we must stand by either.

> Dixi : *« Per se et regulariter loquendo ; » quia, si legislator ex justa causa contrarium declaret, aut consuetudo aliud obtinuerit, utrique standum est.*

38 **I say** 3°: When the revocation of a privilege or indulgence granted to some person, place or thing, likewise of delegated jurisdiction or of some other faculty and grace, is not made through a common law to be promulgated, but privately by messenger or letter, it does not obtain its force, or attain its effect, before it become known to the privileged one; because otherwise gravest inconveniences would follow, many contracts would be null to the detriment of others, many absolutions would be void, many marriages invalidly consummated, etc. So commonly the authors whom Sylvius and Loth. cite in great number and follow. Nay, some hold not improbably that casual knowledge does not suffice, but that it must be made by letter or messenger destined for this purpose: and this, if I mistake not, from the presumed will of the legislator.

> ***Dico** 3° : Quando revocatio privilegii aut indulgentiae concessae alicui personae, loco vel rei, item delegatae jurisdictionis alteriusve facultatis et gratiae non fit per legem communem promulgandam, sed privatim per nuntium aut litteras, non ante vim suam obtinet, aut effectum suum sortitur, quam privilegiato innotescat; quia alioquin gravissima sequerentur incommoda, multi contractus forent irriti in gravamen aliorum, multae absolutiones forent nullae, multa matrimonia invalida consummarentur, etc. Ita communiter authores quos magno numero citant et sequuntur Sylvius et Loth. Imo quidam non improbabiler tenent, non sufficere casualem notitiam, sed debere fieri per litteras aut nuntium ad hoc destinatum : et hoc, ni fallor, ex voluntate praesumpta legislatoris.*

Whether law depends on the acceptance of the people?

1 *I say:* No law, whether civil or ecclesiastical, depends upon the acceptance of the people.

> Dico : *Nulla lex, sive civilis sive ecclesiastica, pendet ab acceptatione populi.*

2 *It is proved* 1° from Scripture. The Apostle says, *Hebr.*, XIII, 17: *Obey your prelates, and be subject to them. Rom.*, XIII, 1: *Let every soul be subject to higher powers.* And 2: *He that resisteth the power, resisteth the ordinance of God.* Nowhere is this or a similar clause or exception added: « If you shall wish to obey, » nor would it be understood except absurdly.

Probatur *1° ex Scriptura. Apostolus,* Hebr., *XIII, 17, dicit :* Obedite praepositis vestris, et subjacete eis. Rom., *XIII, 1 :* Omnis anima potestatibus sublimioribus subdita sit. Et 2 : Qui resistit potestati, Dei ordinationi resistit. *Nullibi apponitur haec aut similis clausula seu exceptio : « Si volueritis obedire, » nec nisi absurde subintelligeretur.*

3 *It is proved* 2°. If law, whether civil or ecclesiastical, did not oblige except dependently upon the acceptance of the people, this would proceed either from defect of will in the legislator, who would not will his law to oblige except under this condition, or from defect of power. But neither can be said. *Therefore.* — The major contains the foundations of the adverse opinion. — Proof of the minor. Not from defect of will; for by the very fact that the legislator bears his law in preceptive words and urges its observance, it is an open sign that he wills it to oblige independently of the consent of subjects. Not from defect of power, as if legislators held it from the people under this restriction: « If the people consent. » Above all, ecclesiastical power is in the supreme Pontiff immediately from Christ; likewise in the Bishops, or at least through the mediation of the supreme Pontiff. Civil power is in many by right of war, and not from the people. As to others who hold it originatively from the people: by the very fact that the community conferred it upon the prince without express restriction, as happens commonly, the prince alone is superior, and he alone holds the dominion and use of the conferred power independently of the people. Therefore, whether the people will or not, the prince has absolutely legislative power, which all are bound to obey.

Probatur 2°. *Si lex, sive civilis sive ecclesiastica, non obligaret nisi dependenter ab acceptatione populi, id proveniret, vel ex defectu voluntatis in legislatore, qui non vellet suam legem obligare nisi sub hac conditione, vel ex defectu potestatis. Atqui neutrum dici potest.* Ergo. — *Major continet fundamenta adversae sententiae. — Prob. min. Non defectu voluntatis; quia hoc ipso quo legislator fert legem verbis praeceptivis et urget ejus observantiam, apertum signum est quod velit eam obligare independenter a consensu subditorum. Non defectu potestatis, quasi illam habeant legislatores a populo sub hac restrictione : « Si consenserit populus. » Imprimis potestas ecclesiastica est in summo Pontifice immediate a Christo; similiter in Episcopis, vel saltem mediante summo Pontifice. Potestas civilis est in pluribus jure belli, et non a populo. Quantum ad alios qui illam habent originative a populo : hoc ipso quo communitas illam principi contulit sine restrictione expressa, ut fit communiter, princeps est solus superior, atque potestatis collatae habet solus dominium et usum independenter a populo. Ergo, velit nolit populus, princeps habet absolute potestatem legislativam, cui omnes tenentur obedire.*

4 *It is confirmed.* Legislators can compel refractory subjects by inflicted penalties to observe their laws.

Confirmatur. *Legislatores possunt poenis inflicta compellere subditos refractarios ad observandum suas leges.*

5 *Therefore* also to accept them. Therefore the power they have of enacting laws and obliging does not depend upon the acceptance of subjects.

Ergo *et ad eas acceptandum. Ergo potestas quam habent ferendi leges et obligandi non pendet ab acceptatione subditorum.*

6 *You will say*: A law accepted and observed is abrogated through the contrary custom of the people and ceases to oblige. *Therefore*, a pari and a fortiori, a law refused by the people from the beginning does not begin to oblige.

Dices : *Lex acceptata et observata, per consuetudinem populi contrariam abrogatur et desinit obligare.* Ergo, *a pari et a fortiori, lex a populo ab initio recusata, non incipit obligare.*

7 *I answer.* I distinguish the antecedent. A law is abrogated by contrary custom through the consent of the legislator, tacit or declared in law, and ceases to oblige; I concede the antecedent; otherwise, I deny the antecedent and the consequent.

> Resp. *Dist. ant. Lex per consuetudinem contrariam ex legislatoris consensu vel tacito vel in jure declarato abrogatur et desinit obligare, conc. ant.; secus, nego ant. et consequens.*

8 *You will insist:* In Gaul, Spain and Belgium pontifical laws have no force unless they have been accepted in the supreme courts and permitted to be promulgated, or, as they commonly say, unless they have been fortified by the royal placet. *Therefore.*

> Instabis : *In Gallia, Hispania et Belgio leges pontificiae non habent vim, nisi fuerint in supremis curiis acceptatae et permissae promulgari, seu, ut communiter dieunt, nisi fuerint munitae placito regio.* Ergo.

9 *I answer.* These are privileges, or, as they call them, liberties from the concession or consent of the Sovereign Pontiffs.

> Resp. *haec esse privilegia, seu, ut vocant, libertates ex concessione aut consensu summorum Pontificum.*

10 [*You will ask* what is to be understood by the liberties and immunities of the Gallican Church, and what must be thought concerning them.

> *[*Petes *quid intelligendum sit per libertates et immunitates Ecclesiae Gallicanae, et quid de eis sentiendum.*

11 *I answer.* Gallican writers have referred these liberties generally to two heads, namely to temporal things and to spiritual things.

> Resp. *Scriptores gallici has libertates generatim ad duo capita retulerunt, nimirum ad temporalia et ad spiritualia.*

12 As to the first head, more studious than is just of royal power, they rejected, as contrary to the dignity and independence of the kingdom, certain temporal rights which, from the customs and political constitutions of several nations, had been attributed to the holy See. Moreover, on account of temporality, they assigned to the secular prince the nominations to episcopal sees and the collation of benefices, with enjoyment of vacant revenues which they pronounced to be regalia. To these, resting upon the same foundation, they added appeals from abuse, reserving them to the secular forum.

> *Quoad primum caput, plus aequo potestatis regiae studiosi, rejecerunt, ut dignitati atque independentiae regni contraria, quaedam jura temporalia quae, ex plurium nationum moribus et politicis constitutionibus, sanctae Sedi fuerant attributa. Insuper, ratione temporalitatis, principi saeculari adjudicarunt nominationes ad sedes episcopales et collationem beneficiorum, cum fruitione proventuum vacantium quos in regalia esse pronuntiabant. His, eodem fundamento innixi, appellationes ab abusu addebant, eas foro saeculari reservantes.*

13 As to spiritual things, the Gallican doctrine is contained in those words which Bossuet wrote in his Defense of the Declaration of the Gallican clergy, lib. XI, cap. 14: « Let the sum of our liberty be so to preserve the newer laws established by pious or necessary institution as to have regard for the older, and by them to sustain the discipline that is slipping away; certainly let us strive with every hope to preserve the common right and in it the venerable remains of ancient right, and to repudiate arbitrary right and extraordinary mandates, and in these let us place the greatest part of our reverence toward the Catholic Church: since we understand that the more studious each one is of the ancient discipline, the more he ought to hold dear the majesty of the Catholic Church and of the Apostolic See. » The foundation of this doctrine in common right, independently of the assent of pontifical

authority, the Gallicans laid down, as Gibert testifies, who says, *Corp. juris can.*, proleg., part. I, lib. XV, append. sect. 2: « National Churches are not subject to the Roman laws which they have not received, and they do not need the consent of the Apostolic See in order not to receive them; but it suffices that these seem repugnant to them to the customs of their nations. » In favor of this schismatical proposition they invoke ecumenical councils, and especially that of Ephesus, from which was commanded « that to each province its own rights which it has had from the beginning be preserved pure and inviolate. » From this they inferred that the rights and customs of particular Churches have the same force as the laws of the universal Church, as sanctioned by general councils; and since they held a general council to be above the Pope, they further concluded that these customs could not even be changed by the Roman Pontiff unless the consent of the particular Churches intervened.

Quoad spiritualia, Gallicana doctrina continetur in his verbis quae Bossuet scribebat in sua Defensione declarationis cleri Gallicani, lib. XI, cap. 14 : « Summa sit nostrae libertatis sic novella jura pia aut necessaria institu tione stabilita servare, ut antiquiora respicere, iisque sustentare labentem disciplinam ; certe jus commune atque in eo venerandas juris antiqui reliquias omni spe servare, jusque arbitrarium et mandata extraordinaria repudiare studeamus, in eaque partem maximam reponamus nostrae erga Ecclesiam catholicam reverentiae : quippe qui intelligamus, quo quisque est studiosior antiqua disciplinae, eo magis cordi habere debet Ecclesiae catholicae ac Sedis apostolicae majestatem. » Hujus doctrinae fundamentum in jure communi, independenter ab assensu pontificiae authoritatis, statuebant Gallicani, teste Gibert, qui dicit, Corp. juris can. *proleg., part. I, lib. XV, append. sect. 2 : « Ecclesiae nationales non subjacent legibus Romanis quas non acceperunt, et ad illas non recipiendas non egent consensu Sedis apostolicae, sed sufficit quod sibi repugnare videantur moribus suarum nationum. » In favorem hujus propositionis schismaticae concilia oecumenica invocant, et praecipue Ephesinum, a quo praeceptum est « ut unicuique provinciae pura et inviolata quae jam ab initio habuit sua jura serventur. » Ex quo inferebant, jura et consuetudines ecclesiarum particularium eamdem vim habere ac leges Ecclesiae universalis, utpote a conciliis generalibus sancita, et cum tenerent concilium generale supra Papam esse, ulterius concludebant has consuetudines nequidem a Pontifice Romano mutari posse, nisi ecclesiarum particularium consensus accesserit.*

14 Those liberties were proclaimed by several bishops and deputies of the provinces, Louis XIV commanding and his ministers pressing, in the assembly of the Gallican clergy of the year 1682. We shall refer the whole text of this celebrated and ill-fated Declaration below, when we treat of the primacy of the Roman Pontiff. Let it suffice here to express the sense of the four articles: 1° The Roman Pontiffs have no power over kings and princes and in temporal things, neither direct nor indirect. 2° A general council is above the Pope. 3° Apostolic power must be moderated by the canons consecrated by the reverence of the whole world, and against it avail the rules, customs and institutions received by the kingdom and Church of Gaul. 4° In questions of faith the supreme Pontiff has only the principal parts, and his judgment is not irreformable unless the consent of the Church intervene. — Hence, it seems, this assembly vindicated illegitimate immunities for the Gallican Church, not only in temporal matters, but even in things pertaining to faith and morals.

Libertates illae proclamata fuerunt ab aliquot episcopis et provinciarum deputatis, Ludovico XIV jubente et ejus ministris cogentibus, in comitiis cleri Gallicani anni 1682. Hujus celebris et infaustae Declarationis textum integre referemus infra, cum agetur de primatu Romani Pontificis. Sufficiat hic sensum quatuor articulorum exprimere : 1° Romani Pontifices in reges et principes et in res temporales nullam potestatem neque directam neque indirectam habent. 2° Concilium generale est supra Papam. 3° Apostolica potestas moderanda est per canones totius mundi reverentia consecratos, et contra eam valent regulae, mores et instituta a regno et Ecclesia Gallicana recepta. 4° In quaestionibus fidei summus Pontifex praecipuas tan tum partes habet, et ejus judicium non est irreformabile nisi Ecclesiae consensus

accesserit. — Hinc, ut videtur, hic coetus immunitates illegitimas Ecclesiae Gallicanae vindicabat, non tantum in temporalibus, sed etiam in rebus ad fidem et mores pertinentibus.

15 Those liberties and immunities are defined generally by some canonists: « The right constantly to follow the received canons of the universal Church and the customs of ancient Gaul, whatever be decreed anew to the contrary. » More briefly and better could they be defined: « The right which the Gauls claimed to themselves of retaining, out of the laws of the Church, only those which pleased them. »

Libertates et immunitates illae generatim a quibusdam canonistis definiuntur : « Jus constanter sequendi receptos Ecclesiae universalis canones et antiquae Galliae consuetudines, quidquid de novo in contrarium decernatur. » Brevius et melius definiri possent : « Jus quod sibi Galli vindicabant retinendi, ex Ecclesiae legibus, eas tantum quae illis placebant. »

16 **I say:** The fundamental doctrine of the liberties and immunities of the Gallican Church is altogether to be rejected.

***Dico :** Doctrina fundamentalis libertatum et immunitatum Ecclesiae Gallicanae prorsus rejicienda est.*

17 *It is proved.* That doctrine is to be rejected which is false, absurd and dangerous. But such is the said doctrine. *Therefore.* The minor is proved.

Probatur. *Illa doctrina est rejicienda quae est falsa, absurda et periculosa. Atqui talis est praedicta doctrina.* Ergo. *Probatur minor.*

18 1° This doctrine is false. 1° The Gallican Declaration was reproved by the holy See. Innocent XI denied bulls of canonical institution to ecclesiastics who, after subscribing the celebrated Declaration in the assembly of the clergy of the year 1682, were coopted by Louis XIV as bishops. Alexander VIII, his successor, by the constitution *Inter multiplices*, given January 30, 1691, declared all the acts of this assembly null, invalid, and destitute of all force. Innocent XII likewise did not grant bulls of institution to new bishops unless they had first abjured the Declaration, and the king had abrogated the edict by which he had prescribed its publication and observance. But all these things prove that the holy See held the principles of the Declaration to be false. *Therefore.*

1° Haec doctrina est falsa. 1° Declaratio Gallicana fuit a sancta Sede reprobata. Innocentius XI bullas institutionis canonicae denegavit viris ecclesiasticis qui, postquam in comitiis cleri anni 1682 celebri Declarationi subscripserant, fuerunt a Ludovico XIV in episcopos cooptati. Alexander VIII, ejus successor, per constitutionem Inter multiplices *datam die 30 januarii 1691, cuncta hujus conventus acta declaravit nulla, invalida et omni robore destituta. Innocentius XII pariter bullas institutionis novis episcopis non concessit, nisi Declarationem prius abjurassent, et rex edictum quo ejus publicationem et observantiam prescripserat abrogasset. Atqui haec omnia probant sanctam Sedem ut falsa habuisse Declarationis principia.* Ergo.

19 2° By his constitution *Auctorem fidei*, given August 28, 1794, Pius VI condemned very many propositions proclaimed in the Synod of Pistoia, among which the following are noted: the 6th « The doctrine of the synod whereby it professes itself persuaded that « the bishop has received from Christ » all the rights necessary for the good governance of his « church; » just as if superior ordinances looking whether to faith and morals, or to general discipline, were not necessary for the good governance of each diocese, the right of which rests with the supreme Pontiffs and general councils for the universal Church; schismatical, at least erroneous. » The 5th « Likewise, that it says it is

persuaded to itself that « the rights of the bishop received from Jesus Christ for governing » the Church can neither be altered nor impeded, and, where » it happens that the exercise of these rights has been interrupted » for any cause whatsoever, the bishop can and ought always to return » to his original rights, whenever the greater good » of his church requires it; » in that it implies that the exercise of episcopal rights can be impeded or coerced by no superior power whenever the bishop judges with his own judgment that this is less expedient for the greater good of his church; inducing into schism and subversion of hierarchical governance, erroneous. » But these propositions accord with the doctrine of the Gallican Declaration. *Therefore*. Therefore we must stand by the words of Clement XIV writing to his nuncio at the king of Gauls, July 26, 1766: « Although such liberties are admitted in the Gauls, far from having been approved by the holy See and by the universal Church, they are on the contrary reproved by these. »

> *2° Sua constitutione* Auctorem fidei *data die 28 augusti 1794, Pius VI damnavit quamplurimas propositiones in synodo Pistoriensi proclamatas, inter quas notantur sequentes : 6ª « Doctrina synodi qua profitetur persuasum sibi esse, « episcopum accepisse a Christo » omnia jura necessaria pro bono regimine suae ecclé » siae ; » perinde ac si ad bonum regimen cujusque dioecesis necessaria non sint superiores ordinationes spectantes sive ad fidem et mores, sive ad generalem disciplinam, quarum jus est penes summos Pontifices et concilia generalia pro universa Ecclesia; schismatica, ad minus erronea. » 5ª « Item, quod et sibi persuasum esse ait, « jura episcopi a Jesu Christo accepta pro gubernanda » Ecclesia, nec alterari nec impediri posse, et, ubi conti-» gerit horum jurium exercitium quavis de causa fuisse » interruptum, posse semper episcopum ac debere in ori-» ginaria sua jura regredi, quotiescumque id exigit majus » bonum suae ecclesiae ; » in eo quod innuit, jurium epis-copalium exercitium nulla superiori potestate praepediri aut coerceri posse, quandocumque episcopus proprio judicio censuerit minus id expedire majori bono suae ecclesiae; inducens in schisma et subversionem hierarchici regiminis, erronea. » Atqui hae propositiones doctrinae Declarationis Gallican consonant*. Ergo. *Standum est ergo verbis Clementis XIV scribentis ad nuntium suum apud regem Galliae, die 26 julii 1766 : « Quamvis admittantur in Galliis hujusmodi libertates, nedum a sancta Sede et ab Ecclesia universali fuerint approbatae, ab his e contra reprobantur. »*

20 2° This doctrine is absurd. For it is absurd to suppose that Christ, when he constituted his Church and committed it whole to Peter and his successors as supreme pastors and rectors to be governed, willed or permitted that some particular Church should not be subject to this governance in all things. But the Gallican doctrine supposes this. *Therefore*.

> *2° Haec doctrina est absurda. Absurdum est enim supponere Christum, cum Ecclesiam suam constituit, eamque Petro et ejus successoribus ut pastoribus et rectoribus supremis totam gubernandam commissit, voluisse aut permisisse ut aliqua ecclesia particularis non in omnibus huic regimini subderetur. Atqui doctrina Gallicana id supponit*. Ergo.

21 3° This doctrine is most dangerous. For Pius VI condemned it as « inducing into schism and subversion of the hierarchy of governance. » Indeed from this doctrine flows the autonomy or independence of each particular Church, since the individual ones could decline even in matters of greatest moment the ordinances of supreme authority, and constitute for themselves their own discipline. They could likewise everywhere oppose local doctrines to doctrinal sentiments of the holy See, or at least, according to the fourth article of the Gallican Declaration, render them of no force, by not consenting to those definitions and holding themselves negatively toward them. Thus are shaken the legislative power and the magisterium of the Pope, to whom is divinely committed the office of ruling and teaching the universal Church. Thence also it follows, as long experience has proved, that what is detracted from pontifical authority is quasi-necessarily transferred to secular power, whence the divine constitution of the Church of Christ is gravely injured; so that Fenelon could say

excellently of immunities of this kind that, if they are liberties toward the Pope, they are servitudes toward the king. But the doctrine from which such consequences follow is most dangerous. *Therefore.*

> *3° Haec doctrina est maxime periculosa. Nam Pius VI eam damnavit ut « inducentem in schisma et subversionem hierarchiae regiminis, » Etenim ex hac doctrina fluit autonomia seu independentia cujusque ecclesiae particularis, cum singulae etiam in rebus maximi momenti ordinationes authoritatis supremae declinare et disciplinam propriam sibi constituere possent. Licet pariter ubique doctrinalibus sententiis sanctae Sedis locales doctrinas opponere, seu saltem, ex articulo quarto Declarationis Gallicanae, nullius roboris eas efficere, non consentiendo his definitionibus et negative erga eas se habendo. Sic labefactantur potestas legislativa et magisterium Papae, cui divinitus commissum est munus Ecclesiam universalem regendi et docendi. Inde etiam sequitur, ut diuturna experientia comprobatum est, ad potestatem saecularem transferri quasi necessario quod ex authoritate pontificia detrahitur, ex quo graviter laeditur divina Ecclesiae Christi constitutio ; ita ut optime dicere potuerit Fenelonius de hujusmodi immunitatibus quod, si sint libertates erga Papam, sunt servitates erga regem. Atqui doctrina ex qua sequuntur talia consectaria est maxime periculosa.* Ergo.

22 *You will say*: It can happen that pontifical decrees are not congruent with the genius and morals of some nation. But these decrees are enacted not for destruction, but for edification. *Therefore* that nation is not bound to observe them.

> Dices : *Contingere potest quod decreta pontificia genio et moribus alicujus gentis non congruant. Atqui haec decreta feruntur, non in destructionem, sed in aedificationem.* Ergo *gens illa non tenetur ea observare.*

23 *I answer.* The major and minor being conceded, I deny the consequent. For it is supposed that that nation, in the case, can reject or neglect the apostolic mandates with full right. But this is false; for laws of this kind obtain obligatory force toward all once they have been promulgated. If therefore, beyond the intention and prevision of the legislator, they cannot be put into execution without great disturbance of the public tranquility, it belongs to the bishops, upon whom rests the office of vigilance for the good of souls, to open to the supreme Pontiff the inconveniences which they dread; who, according to his supreme wisdom, will determine what is to be done, and what shall have been determined will remain. Whence

> Resp. *Concessis majore et minore, nego consequens. Supponitur enim gentem illam, in casu, pleno jure mandata apostolica rejicere vel negligere posse. Atqui hoc est falsum; nam hujusmodi leges vim obligatoriam obtinent erga omnes, cum fuerint promulgatae. Si ergo, praeter intentionem et praevisionem legislatoris, non sine magna publicae tranquillitatis perturbatione executioni mandari possint, episcoporum est, quibus bono animarum invigilandi munus incumbit, incommoda quae reformidant summo Pontifici aperire, qui, pro summa sua sapientia, quid agendum sit statuet, et quod statutum fuerit permanebit. Unde*

24 **I say:** Ecclesiastical right today in Gaul is determined by common right and by the convention entered into under the name of Concordat between the civil government and the holy See.

> ***Dico :*** *Jus ecclesiasticum hodiernum in Gallia determinatur jure communi et conventione sub nomine* Concordati *inter gubernium civile et sanctam Sedem inita.*

25 Proof of the 1st part. Besides the Gallican liberties and immunities, which the holy See has constantly reproved, legitimate customs could formerly creep into the churches of Gaul, and certain privileges were granted to them by the supreme Pontiffs: from which there coalesced a certain proper particular right, not indeed of the Gallican Church, which has never been held by the holy See as a corporate body having canonical existence, but of the diverse provinces and dioceses. But this ancient order was entirely destroyed and abolished by Pius VII through the bull *Qui Christi Domini*, by which,

all the dioceses of Gaul having been suppressed, he erected new ones. For it is read in that constitution: « We suppress, annul and extinguish forever the title, denomination and whole present state of the hereunder-written archiepiscopal and episcopal churches, together with their respective chapters, rights, privileges and prerogatives of whatsoever kind... So that all the above-said archbishoprics and bishoprics... must be held hereafter as no longer existing in their first state, because either wholly extinguished, or to be erected into a new form... Notwithstanding customs even immemorial. » From which it evidently follows that the newly created churches were instituted not according to the pristine particular right, which was altogether abolished, but according to common right. Therefore they are subjected to common right in all those things in which derogation was not made by the supreme authority.

> *Prob. 1ª pars. Praeter libertates et immunitates Gallicanas, quas sancta Sedes constanter reprobavit, in Galliarum ecclesiis consuetudines legitimae olim irrepere potuerunt, et quaedam privilegia eis fuerunt a summis Pontificibus concessa : ex quibus coalescebat jus quoddam particulare proprium, non quidem Ecclesiae Gallicanae, quae nunquam a sancta Sede habita est ut corpus canonicam existentiam habens, sed diversis provinciis et dicoe sibus. Atqui antiquus hic ordo omnino destructus et abolitus fuit a Pio VII per bullam* Qui Christi Domini*, qua, suppressis omnibus Galliae dioecesibus, novas erexit. Legitur enim in illa constitutione : « Supprimimus, annullamus et perpetuo extinguimus titulum, denominationem, totumque statum presentem infra scriptarum ecclesiarum archiepiscopalium et episcopalium, una cum respectivis earum capitulis, juribus, privilegiis et praerogativis cujuscumque generis... Ita ut omnes supradieti archiepiscopatus et episcopatus... haberi debeant in posterum tamquam non amplius in primo ipsorum statu existentes, quia aut omnimode extincti, aut in novam formam erigendi... Non obstantibus consuetudinibus etiam immemorabilibus. » Ex quo sequitur evidenter ecclesias de novo creatas institutas fuisse, non secundum pristinum jus particulare, quod fuit prorsus abolitum, sed secundum jus commune. Ergo juri communi subjiciuntur in his omnibus quibus ab authoritate suprema non fuit derogatum.*

26 It is confirmed by these words of Cardinal Orioli, prefect of the Congregation of bishops and regulars, acting as the part of the cardinal ponens: « Although [in the bull *Qui Christi Domini*] nothing is expressly stated regarding the abrogation of former customs, nevertheless this abrogation seems to be admitted as something necessarily consequent. »

> *Confirmatur his verbis cardinalis Orioli, Congregationis episcoporum et regularium praefecti, cardinalis Ponentis partes agentis : « Quamvis [in bulla* Qui Christi Domini*] nihil expresse statuatur quoad pristinarum consuetudinum abrogationem, haec tamen abrogatio tamquam quid necessario consequens admittenda videtur. »*

27 Proof of the 2nd part. In the year 1801, between Pius VII and Napoleon Bonaparte, who presided over the government of the Gallican republic under the title of first consul, there was entered the Concordat by which derogation was made from common right in many things. But it was certainly lawful for the supreme Pontiff, by reason of his supreme power and of the present necessities, to consent to these derogations. *Therefore.*

> *Prob. 2ª pars. Anno 1801, inter Pium VII et Napoleonem Bonaparte, qui titulo primi consulis gubernio reipublicae Gallicanae praeerat, initum est Concordatum quo juri communi in pluribus derogatum est. Atqui summo Pontifici, pro sua suprema potestate et ratione praesentium necessitatum, fuit certe licitum his derogationibus consentire.* Ergo.

28 If perhaps legitimate customs should have been introduced or should be to be introduced according to the canonical rules on customary right, they pertain or will pertain to the particular right of the churches.]

Si forte consuetudines legitimae fuerint inducta aut sint inducendae secundum regulas canonicas de jure consuetudinario, ad jus particulare ecclesiarum pertinent aut pertinebunt.]

On the Power of Human Law

1 **DISSERTATION IV**

DISSERTATIO IV

2 **ON THE POWER OF HUMAN LAW**

DE POTESTATE LEGIS HUMANAe

3 *St. Thomas, I-II, q. 96.*

D. Thomas, I-II, q. 96.

Whether human law can command or forbid internal acts?

1 [Note that there is a twofold power in the Church, one of the internal or conscience forum, the other of the external forum, which St. Thomas in IV Sentent., dist. 18, q. 2, a. 2, ad 3, distinguishes thus, that in the internal forum is treated the cause between God and man, but in the external forum is treated the cause of man with man. The former chiefly concerns internal acts, because by them man is ordered to God above all, and through them salvation, for which it was first given, is promoted most closely. The latter, however, insofar as it is governing of the community of believers as such, has also matter proportioned to itself, namely external acts, looking to conversation and outward direction; and to this order the legislative power of the Church is referred. For although the laws of the Church are ordered to a supernatural end and the spiritual good of souls, they do not work that immediately, but through the honesty of exterior acts. But this legislative power is called spiritual, both by reason of origin, as being immediately from God; and by reason of its mediated end, which is spiritual salvation of souls; and by reason of matter, not because it concerns merely spiritual and internal acts, but because whatever it commands or forbids outwardly, as fasts, feasts, etc., is apt to conduct man to the progress of the soul spiritually; and by all these things it is distinguished from civil power. Therefore]

[Nota duplicem esse in Ecclesia potestatem, unam fori interni seu conscientiae, alteram fori externi, quas S. Thomas in IV Sentent., dist. 18, q. 2, a. 2, ad 3, in hoc distinguit, quod in foro interno agatur causa inter Deum et hominem, in foro autem externo agatur causa hominis ad hominem. Prima potissimum versatur circa actus internos, quia per eos homo maxime ordinatur ad Deum, et iis proxime promovetur salus, propter quam primo data est. Altera vero, quatenus est gubernativa communitatis fidelium ut sic, habet etiam materiam sibi proportionatam, scilicet actus externos, ad conversationem et directionem externam spectantes, et ad hunc ordinem refertur Ecclesiae potestas legislativa. Nam, licet Ecclesiae leges ordinentur ad finem supernaturalem et bonum spirituale animarum, non tamen immediate illud operantur, sed mediante honestate actuum exteriorum. Dicitur autem haec potestas legislativa spiritualis, tum ratione originis, qua est immediate a Deo ; tum ratione finis mediati, qui est salus spiritualis animarum ; tum ratione materiae, non quod versetur circa actus mere spirituales et internos, sed quia quidquid exterius praecipit aut prohibet, ut jejunia, festa, etc., natum est conducere hominem ad profectum animae spiritualem; et his omnibus distinguitur a potestate civili. Ideo]

2 **I SAY** 1° : It is more probable that human law cannot command or forbid acts merely internal, which have no connection with externals, such as are, v. g., simple intellection, simple volition,

simple act of faith, hope, charity, etc.[1].

[1] Here q. 91, a. 4, c.; q. 100, a. 9, c.

> ***DICO*** *1° : Probabilius est legem humanam non posse praecipere aut prohibere actus mere internos, qui nullam habent connexionem cum externis, ut sunt, v. g., simplex intellectio, simplex volitio, simplex actus fidei, spei, charitatis, etc.*[1].
>
> [1] *Hic q. 91, a. 4, c; q. 100, a. 9, c.*

[3] *It is proved* 1° from law. Cap. Tua nos, de simonia, Innocent III says : « To us it is given to judge only of manifest things. » And cap. Sicut tuis, same title : « The Church judges not of hidden things. »

> Probatur *1° ex jure. Cap.* Tua nos*, de simonia, Innoc. III dicit : « Nobis datum est de manifestis tantummodo judicare. » Et cap.* Sicut tuis*, eod. tit. : « Ecclesia non judicat de occultis. »*

[4] It is proved by reason taken from the Author, places cited. Law cannot command or forbid that to do or avoid which it cannot compel; otherwise it would be useless and inefficacious for attaining the effect, since men, especially the evil, are moved neither by words alone nor by penalties distant in another life, or invisible and insensible, but by things present and sensible. But human law cannot compel to doing or avoiding acts merely internal. *Therefore.* — Proof of the minor. Man cannot compel to that of which he cannot judge; for coercion is through fear of penalty, and penalty is inflicted only from judgment. But man cannot judge of things merely internal. *Therefore.*

> *Probatur ratione desumpta ex Auctore, locis cit. Lex non potest praecipere aut prohibere id ad quod faciendum vel vitandum non potest cogere, alioquin foret inutilis et inefficax ad effectum consequendum, cum homines, praesertim mali, non moveantur solis verbis neque poenis distantibus alterius vitae, aut invisibilibus et insensibilibus, sed praesentibus et sensibilibus. Atqui lex humana non potest cogere ad faciendos vel vitandos actus mere internos.* Ergo. *— Prob. min. Homo non potest cogere ad id de quo non potest judicare, coactio enim est per metum poenae, et poena non infligitur nisi ex judicio. Non potest autem homo de mere internis judicare.* Ergo.

[5] (Whence the Angelic, here q. 91, a. 4, ad 3 : « Of those things can man make law of which he can judge. But judgment of man cannot be of interior motions which lie hidden, but only of exterior acts which appear; and yet unto perfection of virtue it is required that in both acts man stand upright. And therefore human law could not restrain and order sufficiently interior acts, but divine law needed to supervene for this purpose.»]

> *(Hinc Angelicus, hic q. 91, a. 4, ad 3 : « De his potest homo legem facere de quibus potest judicare. Judicium autem hominis esse non potest de interioribus motibus qui latent, sed solum de exterioribus actibus qui apparent, et tamen ad perfectionem virtutis requiritur quod in utrisque actibus homo rectus existat. Et ideo lex humana non potuit cohibere et ordinare sufficienter interiores actus, sed necessarium fuit quod ad hoc superveniret lex divina. »]*

[6] It is proved by another reason. Human legislative power is one of jurisdiction and tending per se primo to external and common government. But acts merely internal are not apt matter for government of this kind. *Therefore.* — Proof of the major. The republic, both ecclesiastical and civil, is a visible and external body. Therefore its legislative power is per se primo directed to external government.

> *Probatur alia ratione. Potestas legislativa humana est jurisdictionis et per se primo tendens ad externum et commune regimen. Atqui actus mere interni non sunt materia apta ad hujusmodi regimen.* Ergo. *— Prob. maj. Respublica tam ecclesiastica quam civilis est corpus visi bile et externum. Ergo potestas ejus legislativa est per se primo ad regimen externum.*

7 [You will say : The Church ought to have received from Christ power to command whatever conduces to the end for which she was instituted. But acts merely internal of the virtues conduce most of all to eternal salvation, which is the proper and necessary end of the Church. *Therefore* the Church received from Christ power to command acts merely internal of the virtues.

> *[Dices : Ecclesia a Christo accipere debuit potestatem praecipiendi quidquid conducit ad finem ad quem fuit instituta. Atqui actus mere interni virtutum maxime conducunt ad salutem aeternam, quae est finis proprius et necessarius Ecclesiae.* Ergo *Ecclesia a Christo accepit potestatem praecipiendi actus mere internos virtutum.*

8 *Answer. I distinguish* the major. That whatsoever immediately conduces to her proximate end the Church ought to have received from Christ, I concede; whatsoever conduces to her ultimate end, even those things also of which she cannot judge and whose execution she can urge in no manner, I deny. For the proximate end of ecclesiastical law is not eternal life, but peace and order of the Christian republic, these obtained, virtues are cultivated, merits acquired, and thus eternal salvation is mediately promoted. These goods, since they are external, the Church can provide for immediately through her laws, commanding whatever is born to procure them, forbidding what can impede them, and compelling the disobedient through spiritual and even temporal penalties. As to acts merely internal, however, even though the Church should invite them by her precepts, she cannot imperate them, since efficacious means of obtaining such effects avail not herself. Whence St. Thomas says, IIa 2ae, q. 104, a. 5, ad 3 : « In those things which pertain to the interior motion of the will, man is held to obey not man, but God alone. But man is held to obey man in those things which must be done outwardly through the body. »

> Resp. *Dist. maj. Ecclesia a Christo accipere debuit quidquid immediate conducit ad finem suum proximum, conc.; quidquid conducit ad finem suum ultimum, et ea etiam de quibus non potest judicare et quorum executionem nullo modo potest urgere, nego. Etenim finis proximus legis ecclesiasticae non est vita aeterna, sed pax et ordo christianae reipublicae, quibus obtentis, coluntur virtutes, acquiruntur merita et sic mediate promovetur salus aeterna. His bonis, cum sint externa, Ecclesia providere potest immediate per leges suas, praecipiendo quaecumque ea procurare nata sunt, prohibendo quae ea possunt impedire, et inobedientes cogendo per poenas spirituales et etiam temporales. Quantum vero ad actus mere internos, etiamsi Ecclesia eos praeceptis suis provocare debeat, imperare non potest, quia media efficacia tales effectus obtinendi ipsi non suppetunt. Unde S. Thomas dicit, IIa 2°, q. 104, a. 5, ad 3 : « In his quae pertinent ad interiorem motum voluntatis, homo non tenetur homini obedire, sed solum Deo. Tenetur autem homo homini obedire in his quae exterius per corpus sunt agenda. »*

9 *You will insist :* The Council of Trent, in the proem of session VI, « more strictly forbids that anyone henceforth presume otherwise to believe, preach, or teach than is enacted and declared in the present decree » concerning justification; Clement XI in the constitution *Vineam Domini Sabaoth* defines everyone bound to reject the sense condemned of the five propositions of Jansenius, not with the mouth only, but with heart and inwardly. Pius IX, at the conclusion of the bull *Ineffabilis Deus*, pronounces them who presumed otherwise than was defined by him concerning the

> Instabis : *Concilium Trident., in prooemio sess. VI, « distric-tius inhibet ne deinceps audeat quisquam aliter credere, praedicare aut docere, quam praesenti decreto statuitur ac declaratur » de justificatione; Clemens XI in constitutione* Vineam Domini sabaoth *definit quemque teneri sensum damnatum quinque propositionum Jansenii, non ore dumtaxat, sed et corde ac interius rejicere. Pius IX, in conclusione bullae* Ineffabilis Deus, *pronuntiat eos qui praesumpserint aliter ac ab eo definitum est de Immaculata*

10 Immaculate Conception of B. M. V. to think in heart,... fallen away from the unity of the Church. » But to believe, to reject something in heart, and to think in heart are acts merely internal. *Therefore*.

> *Conceptione B. M. V. corde sentire,... ab unitate Ecclesiae defecisse. » Atqui credere, corde aliquid rejicere et corde sentire sunt actus mere interni*. Ergo.

11 *Answer.* I deny the consequence. For, as to these internal acts, since already forbidden or commanded by divine law, the Church declares this in the name of Christ. As to external profession however, indeed with authority of Christ, but also in her own name she forbids or commands under established penalties.]

> Resp. *Nego consequens. Nam, quantum ad hos actus internos, cum jam a lege divina sint prohibiti vel praecepti, nomine Christi id declarat Ecclesia. Quantum vero ad professionem externam, authoritate quidem Christi, sed et proprio nomine prohibet vel praecipit sub poenis statutis.]*

12 **I SAY** 2° : Human law can command or forbid internal acts which are necessarily required in order that externals be constituted in the genus or a certain species of morality.

> ***DICO*** *2° : Lex humana potest praecipere aut prohibere actus internos qui necessario requiruntur, ut externi constituantur in genere vel certa specie moris.*

13 *It is proved.* Whoever has right to command something has right to command everything without which it cannot exist; otherwise it would be a chimerical potency. But human law has right to command several exterior acts which require interior acts for their moral integrity in a certain species. Thus, v. g., the law of the Church commands the recitation of the Hours as prayer, unto which internal attention is necessarily required; it commands confession of sins as sacramental, which does not occur without internal grief; paschal communion as refreshment of soul, which is not had through sacrilegious communion. So likewise civil law commands oath, which does not stand without intention of swearing; contract, which does not subsist without will of binding oneself. *Therefore*.

> Probatur, *Qui habet jus praecipiendi aliquid, habet jus praecipiendi omne id sine quo non potest esse, alioquin esset potentia chimaerica. Atqui lex humana habet jus praecipiendi plures actus exteriores qui requirunt actus interiores ad sui integritatem moralem in certa specie. Sic, v. g., lex Ecclesiae praecipit recitationem Horarum ut orationem ad quam necessario requiritur attentio interna; praecipit confessionem peccatorum ut sacramentalem, quae non est sine dolore interno, communionem paschalem ut animae refectionem, quae non habetur per communionem sacrilegam. Sic similiter lex civilis praecipit juramentum, quod non stat sine intentione jurandi; contractum, qui non subsistit sine voluntate se obligandi*. Ergo.

14 Hence Alexander VII deservedly condemned this proposition, n. 14 : « He who makes voluntary confession none satisfies the precept of the Church. » And Innocent XI this one, n. 55 : « The precept of annual communion is sufficiently satisfied by sacrilegious manducation of the Lord. »

> *Hinc Alexander VII merito damnavit hanc propositionem, n. 14 : « Qui facit confessionem voluntarie nullam, satisfacit praecepto Ecclesiae. » Et Innocentius XI istam, n. 55 : « Praecepto communionis annuae satisfit per sacrilegam Domini manducationem. »*

15 **I say** 3° : It is more probable that human law can command or forbid an internal act joined to the external, as its cause, per accidens only.

***Dico** 3° : Probabilius est legem humanam posse praecipere aut prohibere actum internum qui conjungitur cum exteriore, ut causa illius, per accidens tantum.*

16 It is proved 1° from the first Clementine de statu monach., lib. III, tit. 10. A monk betaking himself to the curia with mind of accusing a prelate is excommunicated. But mind of accusing a prelate is joined, as cause, per accidens only, to access to the curia; for this access could proceed from another cause.

Probatur 1° Clementina prima de statu monach., lib. III, tit. 10. Excommunicatur monachus conferens se ad curiam animo accusandi praelatum. Atqui animus accusandi praelatum conjungitur, ut causa, per accidens tantum accessui ad curiam; posset enim iste accessus ex alia causa procedere.

17 *It is proved* 2°. An interior act which is cause, albeit per accidens, of the exterior proceeds to the outside, and becomes per se manifest by reason of its effect, with which it constitutes one act in genus of morality, and one sin, although per accidens it be occult, because its influx into the act is unknown; as an exterior act done without witnesses is per se manifest, because done outwardly, although per accidens occult, because it is unknown to have been done outwardly. Therefore, as this latter can be subjected to law on account of the existence it has outwardly, so the former on account of the causality it has outwardly.

Probatur 2°. *Actus interior qui est causa, etsi per accidens, exterioris, procedit ad extra, fitque per se manifestus ratione sui effectus, quocum unum actum in genere moris, unumque peccatum constituit, licet per accidens sit occultus, quia ignoratur ejus influxus in actum; sicut actus exterior qui fit sine testibus, per se manifestus est, quia fit ad extra, licet per accidens sit occultus, quia ignoratur esse factum ad extra. Ergo, sicut iste potest subjici legi propter existentiam quam habet ad extra, ita ille ob causalitatem quam habet ad extra.*

18 [The contrary hold St. Liguori, lib. I, n. 100, and many others.

[Contrarium tenent S. Ligorius, lib. I, n. 100, et plures alii.

19 *Proof* 1°. That cannot be commanded by the Church without which the end of the law is obtained. But the end of the law is obtained without the interior act joined per accidens only to the exterior being commanded. Therefore. — Proof of the minor. The end of law is attained through that which by reason of itself conduces to this end. But the interior act joined per accidens only to the exterior act pertains not to the character of the act which conduces to the end of law, since it holds no true connection with it, and between both there is mere concomitance only. Therefore,

Prob. *1°. Illud ab Ecclesia non potest praecipi, sine quo finis legis obtinetur. Atqui finis legis obtinetur quin actus interior per accidens tantum exteriori conjunctus praecipiatur. Ergo.* — Prob. *min. Finis legis obtinetur per id quod ratione sui ad hunc finem conducit. Atqui actus interior per accidens tantum actui exteriori conjunctus, non pertinet ad rationem actus qui ad finem legis conducit, cum veram connexionem cum eo non habeat et inter utrumque sit tantum mera concomitantia. Ergo,*

20 2° Since the interior act joined per accidens to the exterior act commanded holds no natural connection with it, it could be commanded not by reason of the other act and indirectly, but by reason of itself it would be commanded, that is insofar as it is interior. But this is against the first conclusion demonstrated above. Therefore.

2° Cum actus interior per accidens actui exteriori praecepto conjunctus nullam connexionem naturalem cum eo habeat, non ratione alterius actus et indirecte potest praecipi, sed ratione sui praeciperetur, id est in quantum est interior. Atqui

> *hoc est contra primam conclusionem supra demonstratam. Ergo.*

21 It must be granted that this opinion lacks great probability, and that it is rather consonant with those things said above.

> *Fatendum est hanc opinionem magna probabilitate non carere, et magis his quae superius dicta sunt consentaneam esse.*

22 *You will ask* whether exterior acts altogether occult can be forbidden by human law.

> Petes *an actus exteriores omnino occulti possint per legem humanam prohiberi.*

23 *Answer* affirmatively. The reason is, because such acts, although per accidens their existence cannot be proved, are from within sensible and manifest, and as such fall under law. St. Thomas teaches this, Quodlib. 4, a. 14.)

> Resp. *affirmative. Ratio est, quia tales actus, licet per accidens eorum existentia probari non possit, ab intrinseco sunt sensibiles et manifesti, et ut tales sub lege cadunt. Id docet S. Thomas, Quodlib. 4, a. 14.)*

How the commanded work must be done, that the law be satisfied?

1 **I say** 1° : For the fulfillment of the law, the work prescribed must be done knowingly and voluntarily[1].

1 Hic q. 100, a. 9, c.

> ***Dico** 1° : Ad legem implendam, opus praeceptum debet fieri scienter et voluntarie [1].*
>
> *1 Hic q. 100, a. 9, c.*

2 It is evident, because the law commands a human act; for it commands men, and therefore that they act in a human manner, not in the manner of brutes; but an act is not human unless it be done knowingly and voluntarily.

> *Patet, quia lex praecipit actum humanum; praecipit enim hominibus, ideoque ut agant more humano, non more brutorum; actus autem non est humanus, nisi fiat scienter et voluntarie.*

3 Hence you will infer that he who recites the Hours asleep or drunk, hears Mass, etc., does not satisfy the law, but is bound, after sleep or drunkenness, to recite the Hours again and to hear another Mass.

> *Hinc inferes eum qui dormiens aut ebrius recitat Horas, audit missam, etc., non satisfacere legi, sed teneri, post somnum aut ebrietatem, iterum Horas recitare et aliam missam audire.*

4 **I say** 2° : For the fulfillment of the law it is not required that the work prescribed be done from the habit of virtue, or from charity [2].

2 Ibid., a. 10, c.

> ***Dico** 2° : Ad legis adimpletionem non requiritur quod opus praeceptum fiat ex habitu virtutis, aut ex charitate [2].*
>
> *2 Ibid., a. 10, c.*

5 The reason of the first part is, 1° because no one is punished as a transgressor of the law who restores another's property or honors his parents, although he do this not from the habit of justice or piety [3]. 2° Because to act from the habit of virtue is the end of the law; for to this end are works

prescribed by the law ordered, that men become virtuous. But the end of the law does not fall under the law. Therefore,

[3] Ibid., a. 9, c.

> *Ratio primae partis est, 1° quia nemo punitur tamquam legis transgressor, qui rem alienam restituit aut parentes honorat, quamvis id non faciat ex habitu justitiae vel pietatis [3]. 2° Quia operari ex habitu virtutis, est finis legis; ad hoc enim opera praecepta per legem ordinantur, ut homines fiant virtuosi. Finis autem legis non cadit sub lege. Ergo,*
>
> *[3] Ibid., a. 9, c.*

[6] The reason of the second part is, because the precept of charity is affirmative, which does not bind always [4].

[4] Ibid., a. 10, c.

> *Ratio secunda partis est, quia praeceptum charitatis est affirmativum, quod non obligat pro semper [4].*
>
> *[4] Ibid., a. 10, c.*

[7] Hence you will infer 1° that a human law can be fulfilled by a work good from its object, although vitiated by an evil circumstance; as if anyone fasts in order to save expense, or out of vainglory.

> *Hinc inferes 1° legem humanam posse adimpleri per opus ex objecto bonum, quamvis mala circumstantia vitietur; ut si quis jejunet ut parcat sumptibus, seu ex vana gloria.*

[8] You will infer 2° that the law is fulfilled by him who has no intention of satisfying the precept; as if anyone, ignorant of the feast day or not recalling it, hears Mass out of devotion, he satisfies the precept, nor is he bound to hear another Mass, because the law, as is evident from what has been said, prescribes only a work to be done in a human manner, not the reflex intention of obeying, especially since it is something purely internal. For it is not necessary that he who obeys say reflexly and in actu signato: « I wish to obey, » but it suffices that he do the work prescribed.

> *Inferes 2° legem impleri ab eo qui non habet intentionem satisfaciendi praecepto; ut si quis, ignorans aut non recordatus esse diem festum, audit missam ex devotione, satisfacit praecepto, nec tenetur audire alteram missam, quia lex, ut patet ex dictis, praecipit tantum opus humano modo ponendum, non reflexam obediendi intentionem, praesertim eum sit quid pure internum. Neque enim necesse est ut qui obedit, dicat reflexe et in actu signato : « Volo obedire, » sed sufficit quod opus praeceptum ponat.*

[9] *You will ask* 1° whether, if anyone, doing the work prescribed, positively would not will thereby to satisfy the law, he would satisfy it.

> Petes *1° utrum, si quis, ponendo opus praeceptum, positive nollet per illud legi satisfacere, illi satisfaceret.*

[10] *I answer.* More probably, affirmatively.

> Resp. *probabilius affirmative.*

[11] The reason is, because, since the obligation of the law depends upon the will of the legislator and not of the subject, the subject cannot postpone this obligation, or prevent the law from being fulfilled by that very work by which the legislator wills it to be fulfilled. But the legislator prescribes only the work prescribed as to its substance, v. g., fasting, hearing Mass, etc. Therefore, this being performed, whatever you may say or will, the law is satisfied and its obligation extinguished.

Ratio est, quia, cum obligatio legis pendeat ex voluntate legislatoris et non subditi, non potest subditus prorogare hanc obligationem, aut impedire quominus lex impleatur eo opere quo legislator vult impleri. Atqui legislator praecipit dumtaxat opus praeceptum quoad substantiam, v. g., jejunium, auditionem sacri, etc. Ergo, eo praestito, quidquid dicas aut velis, satisfit legi et extinguitur ejus obligatio.

12 Hence you will infer, for the scrupulous, that while involuntarily distracted in the recitation of the Hours they hold them as not recited, intending to recite them again and satisfy — which often happens — they have satisfied, nor are they bound to repeat. And so with many other similar cases.

Hinc inferes pro scrupulosis, dum in recitatione Horarum involuntarie distracti, habent eas pro non recitatis, intendentes iterum recitare et satisfacere, quod saepe contingit, eos satisfecisse, nec teneri repetere. Et sic de pluribus aliis similibus casibus.

13 But if the case be supposed in which anyone, performing the work prescribed, positively would not will thereby, nor by any subsequent work, to satisfy the law, such a one indeed in effect fulfills the law, for instance that of hearing Mass, nor is he bound to hear another; provided he performed the work prescribed according to its substance, and by his contrary volition could not bring it about that the precept should not truly and in effect be fulfilled. Nevertheless in affection he sins mortally with the sin of commission, namely formal disobedience and contempt of the law, both against the natural and divine law which forbids unwillingness to obey just laws, and also against the human law itself, which since it commands the act and the will of the act, consequently forbids the affection and will of omitting it, as he who, after fulfilling the law, grieves that he has fulfilled it.

Si vero ponatur casus quo quis, praestando opus praeceptum, positive nolit per illud nec per aliud subsequens legi satisfacere, is quidem in effectu implet legem, puta de audienda missa, nec aliam audire tenetur; si quidem opus praeceptum secundum substantiam praestitit, et sua volitione contraria non potuit efficere ut praeceptum revera et in effectu impletum non sit. Attamen affectu peccat mortaliter peccato commissionis, nimirum formalis inobedientia et contemptus legis, tum contra legem naturalem et divinam prohibentem nolle justis legibus obedire, tum etiam contra ipsam legem humanam, quae cum praecipiat actum et voluntatem actus, consequenter prohibet affectum et voluntatem omittendi, sicut qui, post legem adimpletam, dolet se eam adimplevisse.

14 [*You will ask* 2° whether the same must be said of those things which proceed from the proper will of the agent, as from a vow and an obligation of justice freely contracted.

*[*Petes 2° *utrum idem dicendum sit de his quae procedunt a propria voluntate operantis, ut voto et obligatione justitiae libere contracta.*

15 *I answer.* Negatively. The reason is, that the obligation both of a vow and of a debt contracted by one's own will, just as it proceeds first from my will, so depends upon my will that it remain; and as at the beginning I voluntarily made myself a debtor, so can I at my pleasure continue in the same obligation. But the obligation of the law is from the will of the legislator, and therefore cannot be extended beyond his intention; wherefore, since it prescribes only that the work be done in a human manner, this being done, whether I will or not, the obligation of the law is extinguished. Moreover, if in a debt of strict justice a gratuitous donation were computed toward payment or restitution, the creditor would be unduly burdened, since by a gratuitous donation he would contract a debt of gratitude toward the donating debtor.]

Resp. *negative. Ratio est, quod tam obligatio voti quam debiti propria voluntate contracti, sicut a mea voluntate primo provenit, sic a mea voluntate pendet ut permaneat, et sicut ab initio me voluntarie constitui debitorem, ita possum ad*

nutum in eadem obligatione permanere. At obligatio legis est a voluntate legislatoris, et ideo non potest ultra ejus intentionem extendi; quapropter, cum solum praecipiat quod opus humano modo ponatur, hoc posito, velim nolim, extinguitur legis obligatio. Insuper, si in debito strictae justitiae donatio gratuita computaretur in solutionem aut restitutionem, indebite gravaretur creditor, cum per donationem gratuitam contraheret debitum gratitudinis erga debitorem donantem.]

Whether human laws oblige in conscience?

[1] [The Beghards, Beguines, and Waldenses, also called the Poor Men of Lyons, asserted that sinners indeed were subject to laws, but that the just, that is themselves, were wholly exempt from them. John Hus and Luther afterwards taught that men — by whom they understood ecclesiastical superiors — have not the power to enact obligatory laws, or laws properly so called; so that their ordinances are only directions which anyone may follow of his own accord or reject.]

[Beguardi, Beguinae, et Valdenses, Pauperes Lugdunenses etiam dicti, asserebant, peccatores quidem legibus subjici, sed justos, id est seipsos, ab eis prorsus eximi. Joannes Hus et Lutherus postea docuerunt, homines, per quos ecclesiasticos superiores intelligebant, non habere potestatem leges obligatorias, seu leges proprie dictas, ferendi; ita ut eorum ordinationes non sint nisi directiones quas cuilibet vel sponte sua sequi vel rejicere liceat.]

[2] The question is concerning just laws; for unjust laws are not true laws [1]. But four things are required that a law be just: first, on the part of matter, namely that it command nothing per se evil, nor forbid anything per se good; second, on the part of end, that it be for the common good; third, on the part of author, that it enact no law beyond the power committed to it; fourth, on the part of form, that burdens be imposed upon subjects according to the proportion of the forces and faculties which they have.

[1] Here q. 96, a. 4, c.

Quaestio est de legibus justis; injustae enim non sunt justae vero leges [1]. Quatuor autem requiruntur, ut lex sit justa: primum, ex parte materiae, ut scilicet non praecipiat quod est per se malum, nec prohibeat quod est per se bonum; secundum, ex parte finis, ut sit propter bonum commune; tertium, ex parte authoris, ut non ferat legem ultra potestatem sibi commissam; quartum, ex parte formae, ut onera imponantur subditis juxta proportionem virium et facultatum quas habent.

[1] Hic q. 96, a. 4, c.

[3] **I say**: Every law, civil as well as ecclesiastical, binds in the forum of conscience [2]. It is of faith, at least as regards ecclesiastical laws, defined in the Council of Constance against Wycliffe and John Hus, sess. viii and xv, in the bull of Leo X against Luther, and in the Council of Trid., sess. vii, can. 8: « If anyone shall say that the baptized are free from all the precepts of holy Church, whether written or handed down, so that they are not bound to observe them unless they should wish to submit to them of their own accord; let him be anathema. »

[2] Ibid.

***Dico** : Omnis lex, tam civilis quam ecclesiastica, obligat in foro conscientiae [2]. Est de fide, saltem quoad leges ecclesiasticas, definita in concilio Constantiensi contra Wicleffum et Joannem Hus, sess. viii et xv, in bulla Leonis X contra Lutherum, et in concil. Trid., sess. vii, can. 8: « Si quis dixerit, baptizatos liberos esse ab omnibus sancta Ecclesia praeceptis quae vel scripta vel tradita sunt, ita ut ea observare non teneantur, nisi se sua sponte illis submittere voluerint; anathema sit. »*

[2] *Ibid.*

[4] *It is proved* by the authority of Scripture. And 1° as regards ecclesiastical laws, Matth., XVI, 19, Christ said to Peter: *Whatsoever thou shalt bind upon earth, shall be bound also in heaven.* If in heaven, therefore in conscience. Luc., x, 16: *He that heareth you, heareth me; and he that despiseth you, despiseth me.* But no one doubts that one is bound in conscience to hear Christ and not despise him.

> Probatur *authoritate Scriptura. Et 1° quantum ad leges ecclesiasticas, Matth., XVI, 19, Christus dixit Petro:* Quodcumque ligaveris super terram, erit ligatum et in coelis. *Si in coelis, ergo in conscientia. Luc., x, 16 :* Qui vos audit, me audit, et qui vos spernit, me spernit. *Nemo autem dubitat quin teneatur in conscientia audire Christum et ipsum non spernere.*

[5] 2° As regards civil laws, Paulus, ad Rom., XIII, 1-7. *Let every soul be subject to higher powers; for there is no power but from God... Therefore he that resisteth the power, resisteth the ordinance of God; and they that resist purchase to themselves damnation... Wherefore be subject of necessity, not only for wrath, but also for conscience; for therefore also you pay tribute, for they are the ministers of God, serving unto this very purpose. Render therefore to all their debts: tribute to whom tribute, custom to whom custom.* These things are so plain that an escape is opened to none of the heretics. Likewise ad Tit. III, 1, I Petr., II, 13-15, and elsewhere.

> *2° Quantum ad leges civiles, Paulus, ad Rom., XIII, 1-7.* Omnis anima potestatibus sublimioribus subdita sit; non est enim potestas, nisi a Deo... Itaque qui resistit potestati, Dei ordinationi resistit; qui autem resistunt, ipsi sibi damnationem acquirunt... Ideo necessitate subditi estote, non solum propter iram, sed etiam propter conscientiam; ideo enim et tributa praestatis, ministri enim Dei sunt, in hoc ipsum servientes. Reddite ergo omnibus debita : cui tributum, tributum; cui vectigal, vectigal. *Quae adeo aperta sunt, ut nulli haereticorum effugio locus pateat. Item ad Tit. III, 1, I Petr., II, 13-15, et alibi.*

[6] *It is proved* by reason. 1° Human law, civil as well as ecclesiastical, is derived from the eternal law, from which it has its force and vigor, according to that of Prov., VIII, 15: *By me kings reign, and lawmakers decree just things.* And as we explained dissert. II. But the eternal law binds in conscience. Therefore.

> Probatur *ratione. 1° Lex humana, tam civilis quam ecclesiastica, derivatur ab aeterna, a qua habet suam vim et vigorem, juxta illud Prov., VIII, 15 :* Per me reges regnant, et legum conditores justa decernunt. *Et ut explicuimus dissert. II. Atqui lex aeterna obligat in conscientia. Ergo.*

[7] 2° Natural law and right reason command that we obey the just mandates of legitimate superiors promulgated for the common good. Therefore we are bound in conscience to obey them.

> *2° Lex naturalis atque recta ratio jubet ut justis legitimorum superiorum mandatis propter bonum commune latis obtemperemus. Ergo tenemur in conscientia illis obedire.*

[8] *It is confirmed.* The precept of a father toward his children, of a master toward servants, binds in conscience, as the Apostle teaches, Ephes., VI, 1, 5. Therefore the precept of the prince toward subjects.

> *Confirmatur. Praeceptum patris in liberos, heri in famulos, obligat in conscientia, ut docet Apost., Ephes., VI, 1, 5. Ergo praeceptum principis in subditos.*

[9] [Rightly therefore Alexander VII, on 24 September 1665, condemned this proposition, n. 23: « He who breaks the fast of the Church unto which he is bound does not sin mortally, unless he do this

out of contempt or disobedience, for instance because he wills not to submit himself to the precept; » and Innocent XI, on 2 March 1679, the following, n. 52: « The precept of keeping feasts does not bind under mortal sin, scandal set aside, if contempt be absent. »]

[Jure itaque Alexander VII, die 24 septembris 1665, damnavit hanc propositionem, n. 23 : « Frangens jejunium Ecclesiae ad quod tenetur, non peccat mortaliter, nisi ex contemptu vel inobedientia hoc faciat, puta quia non vult se subjicere praecepto; » et Innocentius XI, die 2 martii 1679, sequentem, n. 52 : « Praeceptum servandi festa non obligat sub mortali, seposito scandalo, si absit contemptus. »]

On penal law

1 *Note*. Some laws are purely preceptive or prohibitory; some purely penal, some mixed. A purely preceptive or prohibitive law is that which commands or forbids an act, imposing no penalty upon transgressors, as the law on hearing Mass. A purely penal law is that which establishes a penalty upon those who have done or omitted something, commanding or forbidding nothing, at least explicitly, as if a law should say: « Whoever shall carry corn out of the province, let him pay one hundred. » Mixed is that which commands or forbids an act, and at the same time establishes a penalty for transgressors. And this in two ways: either copulatively, as if a law should say: « Let no one carry corn out of the province, and whoever shall carry it out, let him pay one hundred, » which can also be expressed in one proposition thus: « I forbid that anyone carry corn out of the province, under penalty of paying one hundred. » Or disjunctively, as if it should say: « Let no one carry corn out of the province; or, if he has carried it out, let him pay one hundred. »

Nota. *Quaedam sunt leges pure praeceptivae aut prohibitivae; quaedam pure poenales, quaedam mixtae. Lex pure praeceptiva aut prohibitiva est quae actum praecipit aut prohibet, nullam imponendo transgressoribus poenam, ut lex de audienda missa. Lex pure poenalis, est quae statuit poenam in eos qui aliquid fecerint aut omiserint, nihil, saltem explicite, praecipiendo aut prohibendo, ut si lex dicat : « Qui evexerit frumentum ex provincia, solvat centum. » Mixta est quae praecipit aut prohibet actum, et simul statuit poenam transgressoribus. Et hoc dupliciter : vel copulative, ut si lex dicat : « Nemo evehat frumentum ex provincia, et qui evexerit, solvat centum, » quod potest etiam exprimi unica propositione sic : « Prohibeo ne quis evehat frumentum e provincia, sub poena solvendi centum. » Vel disjunctive, ut si dicat : « Nullus evehat frumentum e provincia; vel, si evexerit, solvat centum. »*

2 *You will ask* 1° whether a mixed law or a purely penal law binds under fault to doing or omitting the act, or at least to the penalty or fine.

Petes *1° utrum lex mixta vel pure poenalis obliget sub culpa ad actum ponendum vel omittendum, aut saltem ad poenam seu mulctam.*

3 *I answer.* 1°. A copulative mixed law binds under fault to doing or omitting the act, because it truly commands or forbids; nor is the penalty added that it may take away the obligation, but rather that it may more efficaciously move to observance.

Resp. *1°. Lex copulative mixta obligat sub culpa ad actum ponendum vel omittendum, quia vere praecipit aut prohibet; neque poena apponitur ut obligationem tollat, sed potius et efficacius moveat ad observationem.*

4 *I answer.* 2° that a disjunctive mixed law does not bind determinately to doing or omitting the act, nor determinately to undergoing the penalty, but to the one or the other; so that he who does not will to fulfill the law, but is prepared to undergo the penalty, is free from fault; but he who neither wills to observe the law nor to undergo the penalty sins, because the law posited under disjunction leaves it

to the will of subjects to embrace whichever part they will. Parity is in him who vows disjunctively that he will play no more, or, if he play, that he will give twenty asses to the poor: he does not sin if he plays; he would sin, if playing he gave not twenty asses.

> Resp. 2° *legem mixtam disjunctive non obligare determinate ad actum ponendum vel omittendum, neque determinate ad poenam subeundam, sed ad alterutrum; ita ut qui non vult legem implere, sed paratus sit subire poenam, sit liber a culpa; qui autem nec vult legem observare, nec poenam subire, peccat, quia lex sub disjunctione posita relinquit voluntati subditorum quam voluerint partem amplecti. Paritas est in eo qui disjunctive vovet se non amplius lusurum, vel, si ludat, se viginti asses daturum pauperibus : non peccat, si ludat; peccaret, si ludens non daret viginti asses.*

5 To laws of this kind can in a certain manner be referred the constitutions of various Religious Orders, as of the Order of Preachers, which do not bind unto fault, but unto penalty only, and insofar are laws, inasmuch as they bind unto penalty.

> *Ad hujusmodi leges possunt quodammodo revocari variorum Religionum constitutiones, ut Ordinis Praedicatorum, quae non obligant ad culpam, sed ad poenam tantum, et eatenus sunt leges, quatenus obligant ad poenam.*

6 [*You will say*: Penalty cannot be imposed except for fault. Therefore, if the act prescribed disjunctively be omitted without fault, there is not given an obligation of undergoing the penalty.

> *[*Dices *: Poena non potest imponi nisi pro culpa. Ergo, si absque culpa actus disjunctive praescriptus omittatur, non datur obligatio poenam subeundi.*

7 *I answer.* I deny the antecedent. The force of law depends entirely upon the will of the legislator, and as he can prescribe a thing great by its nature under grave or only under light [penalty], so he can leave it to the liberty of each one. Therefore, when this seems sufficient and expedient, it is lawful for him to give his subjects the option between doing or omitting the act and undergoing the penalty, if it please them not to observe the law. And this is confirmed by rule 23 of law in Sexto: « Without fault, unless cause subsist, no one is to be punished. » These words, Unless cause subsist, patently adjudicate to the legislator the faculty of decreeing a penalty although fault has not been admitted through transgression of the law.]

> Resp. *Nego ant. Vis legis a voluntate legislatoris omnino pendet, et sicut potest rem ex natura sua magni momenti sub gravi vel sub levi tantum praecipere, ita potest eam libertati cujusque relinquere. Ergo, quando id sufficere et expedire videtur, fas est illi optionem dare subditis inter actum ponendum vel omittendum et poenam subeundam, si illis legem observare non placeat. Et hoc confirmatur regula 23 juris in Sexto : « Sine culpa, nisi subsit causa, non est aliquis puniendus. » Haec verba : Nisi subsit causa, patenter legislatori adjudicant facultatem poenam decernendi quin culpa fuerit admissa per legis transgressionem.]*

8 *I answer.* 3°. It seems more probable that a purely penal law, speaking per se, obliges not only to the penalty, but also to doing or omitting the act for which the penalty is imposed.

> Resp. *3°. Probabilius videtur legem pure pënalem per se loquendo obligare, non solum ad poenam, sed etiam ad ponendum vel omittendum actum pro quo poena imponitur.*

9 The reason is, because, according to the common understanding and common mode of speaking, he who says: « Whoever shall do this, shall be punished with death, » is just as if he said, I forbid that this be done, and whoever shall have done it shall be punished with death: whence he prohibits or commands implicitly, though not explicitly; for he imposes so great a penalty only because he wills it to be done or not done, and the will of the superior so intimated holds the force of law and precept.

Ratio est, quia, secundum communem intellectum et communem modum loquendi, qui dicit : « Qui hoc fecerit, capite plectetur, » perinde est ac si diceret, prohibeo ne id fiat, et qui fecerit, capite plectetur : unde implicite prohibet aut praecipit, licet non explicite; non enim tantam poenam imponit, nisi quia vult ita fieri vel non fieri, voluntas autem superioris sic intimata habet vim legis et praecepti.

10 I said: Speaking per se, because, if the legislator declared that he did not will to oblige under fault to doing or omitting the act, but only to the penalty, as is declared in the prologue of our constitutions and in the constitutions of certain other Orders, the law would not oblige except to the penalty. Similarly, if from the circumstances could be gathered this to be the mind of the legislator, or if the customs of the people and usage received among the timorous so understand and receive the law; for, as is commonly said, custom is the best interpreter of law. This modification moreover can also have place in mixed copulative laws, in which, as by custom the obligation unto fault and unto penalty can be removed, a fortiori, the penalty remaining, the fault can be taken away. But these are not properly laws except in that part wherein they bind unto penalty under fault, because to obligate is of the reason of law. Whence, if it obliged in no part, it would not be properly a law, but a salutary admonition or exhortation, or counsel concerning what would be expedient in the community.

Dixi : Per se loquendo, quia, si legislator declararet se non velle obligare sub culpa ad actum ponendum vel omittendum, sed tantum ad poenam, ut declaratur in prologo constitutionum nostrarum et in constitutionibus quorumdam aliorum Ordinum, lex non obligaret nisi ad poenam. Similiter, si ex circumstantiis posset colligi hanc esse mentem legislatoris, aut si mores populi et consuetudo apud timoratos recepta sic legem intelligant et recipiant; ut enim communiter dicitur, consuetudo est optima legis interpres. Haecque modificatio potest etiam habere locum in legibus mixtis copulative, in quibus, sicut ex consuetudine potest tolli obligatio ad culpam et ad poenam, a fortiori, relicta poena, potest auferri culpa. Hae autem leges non sunt proprie leges, nisi ea parte qua obligant ad poenam sub culpa, quia de ratione legis est obligare. Unde, si nulla ex parte obligaret, non foret proprie lex, sed salutare monitum aut exhortatio, vel consilium de eo quod expediret in communitate.

11 *You will ask* 2° whether a penal law binds to undergoing the penalty before the sentence of the judge.

Petes 2° *utrum lex poenalis obliget ad poenam subeundam ante sententiam judicis.*

12 The question concerns a latae sententiae penalty; for it is certain that no one is held to undergoing a ferendae sententiae penalty before the sentence of the judge.

Quaestio est de poena latae sententiae; certum est enim neminem teneri ad subeundam poenam ferendae sententiae, ante sententiam judicis.

13 *I answer.* 1°. No penal law latae sententiae binds in the forum of conscience to undergoing, before the sentence of the judge, an active penalty, or one whose execution requires action.

Resp. *1°. Nulla lex poenalis latae sententiae obligat in foro conscientiae ad subeundum, ante sententiam judicis, poenam activam, seu cujus executio requirit actionem.*

14 [It is proved 1° by St. Thomas saying, II II, q. 62, a. 3, c: « As to fault, a remedy is applied through punishment, whose infliction pertains to the judge. And therefore, before he has been condemned by the judge, he is not bound to restore more than he received; but after he has been condemned, he is bound to pay the penalty. »]

[Probatur 1° per S. Thomam dicentem, 2 2, q. 62, a. 3, c : « Quantum ad culpam, adhibetur remedium per poenam, cujus inflictio pertinet ad judicem. Et ideo, antequam sit condemnatus per judicem, non tenetur restituere plus quam accepit; sed postquam condemnatus est, tenetur poenam solvere. »]

15 *It is proved* 2°. To that acting or to the action which the execution of the penalty requires, the culprit or the judge is held. Not the culprit, because he is not held by the law except to the penalty; but penalty consists in suffering, not in acting. Therefore the judge is held. Therefore before the sentence of the judge he is not held to undergoing it.

Probatur 2°. *Ad illud agere seu ad actionem quam requirit executio poenae, tenetur reus vel judex. Non reus, quia non tenetur ex lege nisi ad poenam; poena autem consistit in pati, non in agere. Ergo tenetur judex. Ergo ante sententiam judicis ad illam subeundam non tenetur reus.*

16 It is confirmed. 1° The action which is required for the execution of the penalty is not penalty, but infliction of penalty; otherwise the judge or his minister inflicting the penalty would suffer the penalty. But penal law obliges the culprit only to penalty. Therefore it does not oblige him to inflict it upon himself.

Confirmatur. 1° Actio quae requiritur ad poenae executionem, non est poena, sed infliction poenae, alias judex aut ejus minister inferens poenam, poenam pateretur. Atqui lex poenalis obligat solum reum ad poenam. Ergo non obligat ut eam sibi inferat.

17 2° A law obliging the culprit to inflict upon himself an active penalty before the sentence of the judge is not accommodated to the condition and frailty of men, since scarcely one of a thousand would you find who observes it.

2° Lex obligans reum ut sibimet inferat poenam activam ante sententiam judicis, non est accommodata hominum conditioni et fragilitati, cum vix unum de mille reperias qui id observet.

18 *I answer.* 2°. Penal laws latae sententiae can oblige to undergoing a privative penalty before the sentence of the judge. Few however oblige.

Resp. 2°. *Leges poenales latae sententiae possunt obligare ad subeundam poenam privativam ante sententiam judicis. Paucae tamen obligant.*

19 The 1st part is proved. The authority of the legislator is not less than that of the judge, if nothing stands in the way. But the judge immediately after sentence passed obliges the culprit to undergo a privative penalty, nor does anything obstruct the authority of the legislator, as it obstructs for active penalty. Therefore.

Probatur 1a pars. Non est minor authoritas legislatoris quam judicis, si nihil obest. Atqui judex statim post sententiam latam obligat reum ad subeundam poenam privativam, neque aliquid obstat authoritati legislatoris, sicut obstat pro poena activa. Ergo.

20 It is confirmed. Laws imposing censures ecclesiastical ipso facto oblige immediately from the crime committed and before the sentence of the judge, as all concede. Therefore.

Confirmatur. Leges imponentes ipso facto censuras ecclesiasticas obligant statim a patrato crimine et ante sententiam judicis, ut omnes concedunt. Ergo.

21 The 2nd part is proved; because, besides ecclesiastical censures, scarcely any law can be assigned, civil as well as ecclesiastical, even latae sententiae, which oblige to undergoing a privative penalty

before the sentence of the judge; whether because custom understands and receives such laws in no other way, or because by common or particular law it is so provided unto the penalty.

> *Probatur 2a pars; quia, praeter censuras ecclesiasticas, vix potest assignari ulla lex tam civilis quam ecclesiastica, etiam latae sententiae, quae obliget ad poenam privativam subeundam ante sententiam judicis, sive quia consuetudo non aliter hujusmodi leges intelligit nec recipit, sive quia jure vel communi vel particulari ita cautum sit ad poenam; est.*

22 *You will say*: If laws latae sententiae do not oblige to undergoing before the sentence of the judge, whether active or privative, vainly and uselessly are these clauses added, ipso facto, ipso jure. Therefore.

> Dices *: Si leges latae sententiae non obligant ad subeundam ante sententiam judicis, sive activam sive privativam, falso et frustra apponuntur hae clausulae, ipso facto, ipso jure. Ergo.*

23 *I answer.* I deny both consequences. 1° For of this clause, ipso facto, ipso facto means by sentence pronounced and declared. The sense of this, ipso jure, is by the very disposition of the law, and not by the arbitrament of the judge; because these laws have certain special effects which ferendae sententiae laws have not: 1° Unto this, that the culprit be held to undergo the penalty incurred lata sententia, a condemnatory sentence unto penalty is not required, as in ferendae sententiae laws, but only a declarative sentence of the crime. 2° Because a latae sententiae law after the declaratory sentence is drawn back to the time of the crime committed, so that, if anyone on account of crime be ipso facto deprived of the fruits of a benefice, the declaration of the judge arriving, he must restore the fruits, even those he received after the commission of the crime and before the sentence. Otherwise in ferendae sententiae laws.

> Resp. *Nego utramque consequentiam. 1° Non enim hujus clausulae, ipso facto, est ipso facto per sententiam prodicto et declarato. Sensus hujus, ipso jure, est ipsa legis dispositione, et non arbitrio judicis; quia istae leges habent aliquos effectus speciales quos non habent leges ferenda sententiae : 1° Ad hoc ut reus teneatur subire poenam latam, non requiritur sententia condemnativa ad poenam, ut in legibus sententiae ferendae, sed tantum sententia declarativa criminis. 2° Quia lex latae sententiae post sententiam declaratoriam retrotrahitur ad tempus commissi criminis, ita ut, si quis ob crimen sit ipso facto privatus fructibus beneficii, adveniente declaratione judicis, debeat restituere fructus, etiam quos a patrato et ante sententiam percepit. Secus in legibus ferendae sententiae.*

24 Yet I do not deny that, if a law beyond the clause, ipso facto, ipso jure, added others which altogether signified this to be the will of the legislator, that privative penalties be incurred and undergone before the sentence of the judge, e.g., if it should say: « without any other declaration, before every sentence of the judge, [the guilty] are held before God, or in conscience, nor can they previously be absolved, » and the like, it would be more probable that these are incurred immediately, unless it be certainly established by law or custom to the contrary. But nevertheless true is what I said, that such are few, ecclesiastical censures excepted.

> *Non diffiteor tamen, si lex ultra clausulam, ipso facto, ipso jure, adderet alias quae omnino significarent hanc esse voluntatem legislatoris, ut poena privativae incurrantur et subeantur ante sententiam judicis, v. g., si diceret : « absque ulla alia declaratione, ante omnem sententiam judicis, teneri coram Deo, seu in conscientia, non posse antea absolvi, » et similes, probabilius esse eas statim incurri, nisi certo constet de jure aut consuetudine contraria. Sed nihilominus verum est quod dixi, paucas esse hujusmodi, exceptis censuris ecclesiasticis.*

When do human laws oblige under mortal sin?

1 **I say**: That human law may bind under mortal sin, two things are required together, namely grave matter and in the legislator intention of binding under mortal sin, so that if either be wanting the law does not bind under mortal sin. But when the legislator commands or prohibits matter grave in itself or with circumstances taken into account, not otherwise explaining his intention, the law ordinarily binds under mortal sin.

> ***Dico** : Ut lex humana obliget sub mortali, duo simul requiruntur, scilicet materia gravis et in legislatore intentio obligandi sub mortali, ita ut, si alterutrum desit, lex non obliget sub mortali. Quando autem legislator praecipit aut prohibet materiam secundum se aut attentis circumstantiis gravem, non explicando aliter suam intentionem, lex ordinarie obligat sub mortali.*

2 The 1st part is proved. 1° Human law is derived from eternal and natural law. Ergo also its force of binding. Yet eternal and natural laws do not bind under mortal sin in light matter. Ergo. 2° Light matter is not capable of grave obligation. 3° A human law which would command or prohibit a thing altogether light under penalty of temporal death would be unjust, ridiculous and harmful to the common good. Ergo, a fortiori, if it should command or prohibit under penalty of eternal death.

> *Probatur 1a pars. 1° Lex humana derivatur a lege aeterna et naturali. Ergo et vis ejus obligandi. Atqui lex aeterna et naturalis non obligant sub mortali in materia levi. Ergo. 2° Materia levis non est capax gravis obligationis. 3° Lex humana quae rem omnino levem praeciperet aut prohiberet sub poena mortis temporalis, esset injusta, ridicula et noxia bono communi. Ergo, a fortiori, si praecipiat aut prohibeat sub poena mortis aeternae.*

3 Understand the thing absolutely and light on every side; because, if it be light in itself but grave from circumstances, it can be matter of a law binding under mortal sin.

> *Intellige rem absolute et ex omni parte levem; quia, si sit secundum se levis, sed ex circumstantiis gravis, potest esse materia legis obligantis sub mortali.*

4 The 2ª part is proved, concerning which is the greater difficulty. Law is an act of the legislator, and obligation the effect of that act. Yet, according to the principle commonly received L. Non omnis, ff, Si certum petatur, in moral acts the acts of agents do not transcend their intention. Ergo law does not bind beyond the intention of the legislator. Yet in this matter, though grave, the legislator intends to bind only under venial. Ergo.

> *Probatur 2ª pars, de qua est major difficultas. Lex est actus legislatoris, et obligatio effectus istius actus. Atqui, juxta principium communiter receptum L. Non omnis, ff, Si certum petatur, in moralibus actus agentium non transcendunt intentionem eorum. Ergo lex non obligat ultra intentionem legislatoris. Atqui legislator non intendit in hac materia, etsi gravi, obligare nisi sub veniali. Ergo.*

5 The adversaries respond that this principle is true in those things which hang upon free will of agents. But, they say, as binding simply does not depend upon the free will of the legislator willing to enact a true law, but follows from the nature of the law itself; so the quantity of obligation does not depend upon his free will, but by the very fact he wills to enact the law, the quantity of obligation results from the nature of the thing and condition of the matter. This is the chief foundation of the adverse opinion.

> *Respondent adversarii, istud principium esse verum in his quae pendent ex libera voluntate agentium. Ast, inquiunt, sicut obligare simpliciter non pendet a libera voluntate legislatoris veram legem ferre volentis, sed sequitur ex natura*

ipsius legis; sic quantitas obligationis non pendet ex ejus libera voluntate, sed hoc ipso quo vult ferre legem, quantitas obligationis ex natura rei et conditione materiae resultat. Hoc est praecipuum adversae sententiae fundamentum.

6 But against, and at the same time is confirmed the preceding reason and conclusion. 1° Although binding simply be essential to every law, nevertheless binding so much or only thus much is not essential to law, but merely accidental; nor will the adversaries ever prove the contrary. Ergo, although it be not free for the legislator to will to found a true law which does not bind, yet it is free for him to found such a one as binds more or less, according as he willed. 2° The matter of human law is not necessary, but free. The legislator is free to propose it either under counsel or under obligation to penalty only; for from him is the whole obligation of law. Why should he not also be free to propose it under obligation to venial guilt, especially since nothing can be assigned that compels him to fulfill the whole capacity of the matter.

Sed contra et simul confirmatur praecedens ratio et conclusio. 1° Quamvis obligare simpliciter sit essentiale omni legi, attamen obligare tantum vel tantum, non est legi essentiale, sed mere accidentale, nec contrarium unquam evincent adversarii. Ergo, quamvis non sit liberum legislatori velle condere veram legem quae non obliget, est tamen illi liberum condere talem quae plus vel minus obliget, secundum quod voluerit. 2° Materia legis humanae non est necessaria, sed libera. Legislator est liber ut eam proponat, vel sub consilio, vel sub obligatione ad poenam tantum; ab ipso enim est tota legis obligatio. Quidni etiam liber ut illam proponat sub obligatione ad culpam venialem, maxime cum nihil possit assignari quod ipsum cogat implere totam capacitatem materiae.

7 Finally, either obligation of law under venial in grave matter is possible, or not. If the first, we have our intent; if the second, ergo there is no obligation, no law, since the legislator, on whom obligation depends, does not will to bind otherwise.

Tandem, vel obligatio legis sub veniali in materia gravi est possibilis, vel non. Si primum, habemus intentum; si secundum, ergo nulla est obligatio, nulla lex, cum legislator, a quo dependet obligatio, non velit aliter obligare.

8 *You will ask* 1° whence gravity of matter and the gravely binding intention of the legislator can be discerned.

Petes *1° unde dignosci possit gravitas materiae et intentio legislatoris graviter obligans.*

9 *I answer.* and let it be the first rule: That matter is reckoned grave which conduces much to the grave end of the law. Whence, if the end of the law be light, or if it be grave but the thing commanded conduce not much to it, the matter must be reckoned light.

Resp. *et sit prima regula. Illa materia censetur gravis, quae multum conducit ad gravem finem legis. Unde, si finis legis sit levis, aut si sit gravis, sed res praecepta non multum conducat ad illum, levis est censenda materia.*

10 Second rule. When the legislator in enacting a law uses words gravely minatory, e.g.: « Under threat of divine judgment, under indignation of God or the saints, in virtue of holy obedience, » and the like; likewise, when he commands or prohibits something under grave penalty: the matter is reckoned grave and the intention of the legislator gravely binding.

Secunda regula. Quando legislator in ferenda lege utitur verbis graviter comminatoriis, v. g. : « Sub interminatione divini judicii, sub indignatione Dei vel sanctorum, in virtute sancta obedientia, » et similibus; item, quando aliquid praecipit aut prohibet sub gravi poena : censetur materia gravis et intentio legislatoris graviter obligans.

11 [But if the legislator use these words: « It behooves, it must be done, let them do, do, beware, abstain, » and the like, the thing is ambiguous; because these formulas of speaking sometimes import true precept, sometimes mere exhortation: whence from the manner of speaking and the circumstances, the quantity of matter weighed, judgment must be made about the mind of the legislator. If thence his mind cannot be drawn out, or there be no certain agreement about gravity of matter, let

> *[Si vero legislator utatur his verbis : « Oportet, debet fieri, faciant, facite, caveant, abstineant, » et similibus, res est ambigua; quia hae loquendi formulae quandoque important verum praeceptum, quandoque solam exhortationem : unde ex modo loquendi et circumstantiis, attentâ quantitate materiae, judicandum est de mente legislatoris. Quod si inde mens ejus non possit erui, aut non certo constet de gravitate materiae, sit*

12 *Third rule*. When, notwithstanding the rules laid down, doubt remains either about gravity of matter or about the mind of the legislator, recourse must be had either to custom, which is the best interpreter of laws, or to the judgment of prudent and wise men, whose office it is to interpret laws in emerging doubts. If their opinions disagree so that the law remain truly and seriously doubtful, it can be held as non-existent and non-binding, as was resolved above in the question on Probabilism.

> Tertia regula. *Quando, non obstantibus regulis positis, remanet dubium, vel de gravitate materiae, vel de mente legislatoris, recurrendum est vel ad consuetudinem, quae est optima legum interpres, vel ad judicium prudentium et sapientium, quorum est in dubiis emergentibus leges interpretari. Quod si eorum sententiae ita discordent, ut lex vere et serio dubia maneat, haberi potest ut non existens et non obligans, sicut supra fuit resolutum in quaestione de Probabilismo.*

13 *You will ask* 2° whether per accidens one can sin mortally against human law in light matter.

> Petes *2° utrum per accidens mortaliter peccari possit contra legem humanam in materia levi.*

14 *I answer.* affirmatively, namely if the law be violated with grave scandal foreseen, or from formal contempt perfected. Formal contempt perfected probably is only when someone refuses entirely to subject himself to a superior.]

> Resp. *affirmative, nempe si lex violetur cum scandalo gravi praeviso, aut ex contemptu formali perfecto. Contemptus formalis perfectus probabiliter non est nisi quando quis ex toto renuit subjici superiori.]*

Certain other little questions on the obligation of human laws briefly resolved

1 *You will ask* 1° whether a human law binds when there is certain danger of death or of other grave harm.

> Petes *1° utrum lex humana obligat cum certo periculo vitae aut alterius gravis damni.*

2 *I answer.* 1°. A human law binds with danger of life, when its observance is of greater moment than the life of any particular person: which happens in two cases. The first is, when the observance of the law is necessary for the common good. The second, when its violation would redound to the contempt of religion, or of the Church, or of ecclesiastical power. This is common opinion.

> Resp. *1°. Lex humana obligat cum periculo vitae, quando ejus observatio est majoris momenti quam vita alicujus particularis : quod contingit in duplici casu. Primus est, quando legis observatio est necessaria bono communi. Secundus, quando ejus violatio cederet in contemptum religionis, aut Ecclesiae, ecclesiasticaeve potestatis. Est communis.*

3 *It is proved.* Natural reason itself says and commands that the greater good be preferred to the lesser. But the common salvation of the commonwealth, and that religion and the Church be not despised, nor God in them, is a greater good than the life of one private person. Therefore.

> Probatur. *Ipsa ratio naturalis dicit et jubet, majus bonum esse praeferendum minori. Atqui communis salus reipublicae, et quod religio et Ecclesia non contemnantur, neque Deus in illis, majus bonum est quam vita unius privati. Ergo.*

4 *I answer.* 2°. Outside the twofold case of the first conclusion, a human law does not bind with danger of life or of other grave harm to honor, reputation, health, goods of fortune.

> Resp. 2°. *Extra duplicem casum primae conclusionis, lex humana non obligat cum periculo vitae aut alterius gravis damni in honore, fama, sanitate, bonis fortunae.*

5 *It is proved.* 1° Divine law itself does not bind with grave detriment, as is evident in the Apostles who plucked ears of corn on the sabbath, and in the integrity of confession which, although of divine law, does not bind with grave harm. 2° Because otherwise the law would not be accommodated to the frailty of men, nor possible according to the morals and custom of the country. 3° Because the legislator has neither from God nor from the people the power of disposing of the life, reputation and goods of subjects, except where the necessity of the common good and of religion requires it.

> Probatur. *1° Ipsa lex divina non obligat cum gravi detrimento, ut patet in Apostolis qui vellebant spicas sabbato, et in integritate confessionis, quae, licet juris divini, non obligat cum gravi damno. 2° Quia alias lex non esset accommodata fragilitati hominum, nec possibilis secundum mores et consuetudinem patriae. 3º Quia legislator non habet neque a Deo neque a populo potestatem disponendi de vita, fama et bonis subditorum, nisi ubi exigit necessitas boni communis et religionis.*

6 *You will ask* 2° whether a law founded upon a false presumption binds in conscience.

> Petes *2º utrum lex fundata in falsa praesumptione obliget in conscientia.*

7 *I answer.* 1° The legislator does not intend to bind, except when the presumption corresponds to truth. Whence, if a law prescribes something presumed to be licit or useful to the common good, and it is illicit or harmful to the common good, it does not bind.

> Resp. *1° Legislator non intendit obligare, nisi quando praesumptio respondet veritati. Unde, si lex praecipiat aliquid quod praesumitur esse licitum aut bono communi utile, et est illicitum aut bono communi noxium, non obligat.*

8 [2° When a law presumes that that on account of which it is enacted happens in all and singular cases, it does not bind in those cases in which it does not happen, because they remain outside the intention of the legislator. 3° But when the law presumes that that on account of which it is enacted happens not in all and singular cases, but only for the most part, or that there is danger lest it happen; although it do not so happen in a particular case, the law does not therefore cease to bind in conscience, for the legislator certainly intends to bind even in this case. For he enacted the law because he presumed that for the most part it is so, or that there is danger lest it be otherwise; which remains true notwithstanding cases which ought to be held as exceptions.

> *[2° Quando lex praesumit id propter quod fertur contingere in omnibus et singulis casibus, non obligat in iis casibus in quibus id non contingit, quia remanent extra intentionem legislatoris. 3º Quando vero lex praesumit id propter quod fertur contingere, non in omnibus et singulis casibus, sed tantum ut plurimum, seu esse periculum ne contingat, quamvis ita non contingat in casu particulari, non ideo lex desinit obligare in conscientia, nam legislator certe intendit etiam in*

hoc casu obligare. Tulit enim legem, eo quod praesumpserit ut plurimum sic esse, aut esse periculum ne ita sit; quod, non obstantibus casibus qui ut exceptiones haberi debent, verum manet.

9 Since, in the supposition, the presumption is not false, it must be said generally that every law founded upon a false presumption does not bind in conscience.]

Cum, in supposito, praesumptio non sit falsa, dicendum est generaliter quod omnis lex fundata in falsa praesumptione non obligat in conscientia.]

10 *You will ask* 3° whether several laws can be satisfied by one act, or by several acts exercised at the same time.

Petes *3° utrum possit satisfieri pluribus legibus per unum actum, aut per plures eodem tempore exercitos.*

11 *I answer.* 1°. By one act several laws can be satisfied, if they prescribe the same matter; otherwise, if diverse matters.

Resp. *1°. Uno actu potest satisfieri pluribus legibus, si eamdem materiam praecipiant; secus, si diversas.*

12 The reason of the first part is, because by this very thing that the prescribed matter is performed, whether by one act or by several, there is had the whole which is prescribed by the diverse laws. Thus by a single recitation of the Hours a beneficed priest satisfies the double law by which he is bound, as priest and as beneficed, to recite the Hours.

Ratio primae partis est, quia hoc ipso quo materia praecepta ponitur, sive uno, sive pluribus actibus, habetur totum quod per diversas leges praecipitur. Sic una Horarum recitatione sacerdos beneficiatus satisfacit duplici legi qua tenetur ut sacerdos et ut beneficiatus ad recitationem Horarum.

13 The reason of the second part is evident from the opposite reason; because by one act there is not had the whole which is prescribed by diverse laws dealing with diverse matters. Thus he to whom a confessor enjoins hearing Mass, beyond that to which he is bound from the precept of the Church, does not satisfy by one Mass; because he does not perform the whole which is prescribed by the diverse laws. Consult our treatise on Religion, dissertation 11, a. 8, § 3.

Ratio secundae partis patet ex opposita ratione; quia per unum actum non habetur totum quod praecipitur per diversas leges circa diversas materias versantes. Sic is cui a confessario injungitur auditio sacri, praeter illud ad quod tenetur ex praecepto Ecclesiae, non satisfacit per unum sacrum; quia non ponit totum quod praecipitur per diversas leges. Consule tract. nostrum de Religione, dissert. 11, a. 8, § 3.

14 *I answer.* 2° That several laws can be satisfied by several acts exercised at the same time, when they are not incompossible, or one does not impede the other; because then there is had the whole which the legislators prescribe. Thus he who makes a pilgrimage by vow can recite the office on the way. Likewise he who hears Mass of precept can at that time recite the Hours, or fulfill his sacramental satisfaction.

Resp. *2° posse satisfieri pluribus legibus per plures actus eodem tempore exercitos, quando non sunt incompossibiles, seu unus non impedit alterum; quia tunc habetur totum quod praecipiunt legislatores. Sic qui peregrinatur ex voto, potest in itinere recitare officium. Similiter qui audit missam de praecepto, potest tunc temporis recitare Horas, aut adimplere satisfactionem sacramentalem.*

15 Otherwise, if they were incompossible, as if anyone during Mass were performing a prescribed work which would impede the attention required at Mass. Concerning him who confesses

sacramentally during Mass, and certain other cases belonging to the present matter, see our treatise on Religion, dissertation VI, a. 5.

> *Secus, si essent incompossibiles, ut si quis tempore missae perageret opus praeceptum quod impediret attentionem requisitam ad missam. De eo qui tempore missae confitetur sacramentaliter, et quibusdam aliis praesentem materiam spectantibus, vide tractatum nostrum de Religione, dissert. VI, a. 5.*

16 *You will ask* 4° whether he who cannot fulfill the whole law is bound to the possible part.

> Petes *4° utrum qui non potest totam legem implere, teneatur ad partem possibilem.*

17 *I answer.* Affirmatively, if the law concerns a divisible thing, and the term of ability and inability is not uncertain and ambiguous.

> Resp. *affirmative, si lex sit de re divisibili, et terminus potentiae et impotentiae non sit incertus et ambiguus.*

18 It is evident 1° from this proposition condemned by Innocent XI, n. 54: « He who cannot recite Matins and Lauds, but can recite the remaining Hours, is bound to nothing, because the greater part draws to itself the lesser. » 2° Because precisely for this reason someone is excused from the whole, because the whole is impossible to him. But, as is supposed, the part is not impossible to him. Therefore he is not excused from it.

> *Patet 1° ex hac propositione damnata ab Innocentio XI, n. 54 : « Qui non potest recitare Matutinum et Laudes, potest autem reliquas Horas, ad nihil tenetur, quia major pars trahit ad se minorem. » 2° Ideo praecise aliquis excusatur a toto, quia totum est ipsi impossibile. Atqui, ut supponitur, pars non est ipsi impossibilis. Ergo ab ea non excusatur.*

19 Understand however a part notable in some manner, v. g., in the recitation of the Hours, entire psalms, or the greater part of them, not altogether slight, such as, in the same matter, one or another psalm or hymn, because in moral matters a little is reputed as nothing.

> *Intellige tamen partem aliquo modo notabilem, v. g., in recitatione Horarum, integros psalmos, aut majorem partem illorum, non admodum levem, ut, in eadem materia, unum aut alterum psalmum vel hymnum, quia in moralibus parum pro nihilo reputatur.*

20 I said also: « If the term of ability and inability is not uncertain and ambiguous, » as v. g., in the sick, in whom it can scarcely, or hardly, be determined what they are able to do, how far they are able, and no further. Whence, if while unable to fulfill the whole law they were bound to the part, there would be place for most grave scruples and continual perplexity in determining the part to which they would be bound. And therefore by right it is presumed of the mind of an equitable legislator that he would not will to bind to the part in similar cases. So say grave theologians.

> *Dixi etiam : « Si terminus potentiae et impotentiae non sit incertus et ambiguus, » sicut v. g., in infirmis, in quibus vix aut ne vix determinari potest quid possunt, usquequo possunt, et non ultra. Unde, si dum non possunt totam legem implere, tenerentur ad partem, foret locus gravissimis scrupulis et continua perplexitas in determinanda parte ad quam tenerentur. Et ideo jure praesumitur de mente aequi legislatoris quod non velit in similibus casibus obligare ad partem. Ita graves theologi.*

21 *You will ask* 5° whether it is licit to place, or not to remove, impediments to the observance of a human law before the time for fulfilling the law arrives.

> Petes *5° utrum liceat ponere seu non amovere impedientia observationem legis humanae, antequam instet tempus adimplendi legem.*

22 I answered this question in the treatise on Religion, dissertation VI, a. 6, question 2, that this is not licit without legitimate cause, especially with the direct intention of exempting oneself from the law.

> *Respondi huic petitioni in tract. de Religione, dissert. VI, a. 6, petit. 2, id non licere sine legitima causa, máxime ex intentione directa se eximendi a lege.*

Who are subject to human laws?

1 There are two offices of law: one to direct human actions, the other to compel the unwilling by penalties to its observance.

> *Duo sunt legis officia : unum est dirigere actiones humanas, aliud poenis cogere invitos ad sui observantiam.*

2 **I.**

> ***I.***

3 **Whether the legislator is bound by his own laws?**

> ***Utrum legislator teneatur suis legibus?***

4 **I say**: A regular and absolute legislator, such as the Pope, a bishop, a king or any monarch, is not bound by his own laws as to their coercive force, but well indeed as to their directive force, at least indirectly, if the laws regard equally himself and his subjects.[1]

1 Hic, q. 96, a. 5, ad 3.

> ***Dico** : Legislator regularis et absolutus, qualis est Papa, episcopus, rex aut quivis monarcha, non tenetur suis legibus quoad vim coactivam, bene tamen quoad vim directivam, saltem indirecte, si leges ex aequo ipsum et subditos spectent.*[1]
>
> [1] *Hic, q. 96, a. 5, ad 3.*

5 The 1st part is plain; because a prince or legislator can be compelled by no one to observe his own law: not by himself, for no one is compelled by himself; not by another, since he has no superior by whose penalty he could be punished.[2]

2 Ibid.

> *Patet 1a pars; quia princeps seu legislator a nullo potest cogi ad observantiam suae legis : non a se, nemo enim cogitur a seipso; non ab alio, quia non habet superiorem a quo possit poena plecti.*[2]
>
> [2] *Ibid.*

6 *It is proved* as to the 2nd part. Natural equity requires 1° that a part conform itself to the whole, especially head to members. Whence Aug. says, lib. III Confess., c. 8, n. 15 : « Every part is base which does not suit its whole. » It requires 2° that the legislator concur in his way toward the common good, consequently toward the observance of the law which is laid down on account of the common good. But example moves far more than words toward this observance. Therefore.

> Probatur *2a pars. Aequitas naturalis postulat 1° ut pars toti, maxime caput membris, conformetur. Unde ait Aug., lib. III Confess., c. 8, n. 15 : « Turpis omnis pars est suo universo non congruens. » Postulat 2º ut legislator suo modo concurrat ad bonum commune, consequenter ad observantiam legis quae lata est propter bonum commune. Ad hanc autem observantiam longe magis movet exemplum principis, quam verba. Ergo.*

7 You see that this obligation is not sought in the legislator immediately and directly from the very human law, because no one is inferior or superior to himself so as to be able to command himself; but from the natural law itself, with the human law supposed as condition, and therefore I said in the conclusion, « at least indirectly, » whereby you will solve certain objections that can be raised.

> *Vides hanc obligationem in legislatore non peti immediate et directe ex ipsa lege humana, quia nemo sibi ipsi inferior est aut superior, ut possit sibi praecipere, sed ex ipsa lege naturali, supposita lege humana ut conditione, et ideo dixi in conclusione, « saltem indirecte, » ex quo solves quasdam objectiones quae fieri possunt.*

8 I said also in the conclusion: « If the laws regard equally prince and subjects, » such as, e.g., laws taxing the prices of goods or the value of moneys, indicating fasts, feasts, etc. Otherwise if there be question of laws whose matter is diverse in reason between prince and subject, and which would misbeseem the prince, as if a prince should make a law that no one walk girt with a sword, or be clothed in silks, etc.

> *Dixi etiam in conclusione : « Si leges ex aequo principem et subditos spectent, » quales sunt, v. g., leges taxantes pretia rerum aut valorem monetarum, indicantes jejunia, festa, etc. Secus vero, si agatur de legibus quarum materia est diversa rationis in principe et subditis, et quae principem dedecerent, ut si princeps legem ferret ne quis succinctus gladio incedat, ne sericis vestiatur, etc.*

9 For with these and similar laws the prince is not bound even as to their directive force, because they do not beseem him.

> *His enim et similibus legibus non adstringitur princeps, etiam quoad vim directivam, quia illi non conveniunt.*

10 *You will ask* whether the legislator is bound under mortal sin to observe his own law in grave matter.

> Petes *utrum legislator teneatur sub mortali observare suam legem in materia gravi.*

11 *Resp.* that he is bound under mortal sin if from transgression there follow grave scandal or grave injury to a third party; suppose that the supreme Pontiff did not publicly read the Hours, did not fast, did not communicate at Easter, did not keep the price of goods or of moneys taxed by himself, or the conditions imposed by himself upon contracts, etc. In this all agree.

> Resp. *ipsum teneri sub mortali, si ex transgressione sequatur grave scandalum aut gravis injuria tertii, puta si summus Pontifex palam non legeret Horas, non jejunaret, non communicaret in Paschate, non servaret pretium rerum aut monetarum a se taxatum, vel conditiones a se impositas contractibus, etc. In hoc omnes conveniunt.*

12 But whether, setting aside scandal and injury to a third party, he would sin mortally in grave matter, is doubtful. Some affirm it; because, they say, he is bound to observe his law by the natural law. But the natural law obliges under mortal sin in grave matter. Therefore. Others will that he sin only venially; because the natural law commands him to observe his law only insofar as it unseemly that the head not conform itself to the members, a part to the whole. Yet this unseemliness, setting aside scandal or other grave circumstance, does not seem so great as to constitute mortal sin. Therefore.

> *Sed utrum, secluso scandalo et injuria tertii, peccaret mortaliter in materia gravi, dubium est. Quidam affirmant; quia, inquiunt, tenetur legem suam observare ex lege naturali. Lex autem naturalis obligat sub mortali in materia gravi. Ergo. Alii volunt quod peccet tantum venialiter; quia in tantum lex naturalis jubet eum observare suam legem, in quantum*

indecens est quod caput non conformetur membris, pars toti. Atqui haec indecentia, secluso scandalo aut alia gravi circumstantia, non videtur tanta, ut constituat peccatum mortale. Ergo.

13 To the opposing reason it can be answered that the matter prescribed by human law is not gravely such formally with respect to the legislator, because he is not bound to it as prescribed, like a subject — for he is not bound by his own law — but as subject to seemliness or unseemliness, his law presupposed: just as, although fasting be grave matter in itself, it is nevertheless not grave matter formally with respect to him to whom it is not prescribed under grave obligation.

Ad rationem oppositam responderi potest, quod materia praecepta lege humana, non sit gravis formaliter respectu legislatoris, quia ad eam non obligatur ut est praecepta, sicut subditus, non enim sua lege stringitur, sed ut subest decentiae aut indecentiae, praesupposita sua lege : sicut, licet jejunium sit materia gravis secundum se, non tamen est materia gravis formaliter respectu illius cui non est praeceptum sub gravi obligatione.

14 [Note that the foregoing answers are to be understood, as said, of the sole singular and absolute legislator. For collective legislators, such are the bodies to whom it pertains to enact laws under democratic government, and the general chapters of religious orders, are altogether subject to the laws they themselves have enacted, because, taken privately, they are inferior to the community from which the laws proceed. The same must be said, for the same reason, of the leader of a republic and of the superior general of a religious order, to whom legislative power does not belong personally and absolutely.]

[Nota responsiones superiores intelligendas esse, sicut dictum est, de solo legislatore singulari et absoluto. Legis-latores enim collectivi, quales sunt coetus ad quos pertinet leges condere sub regimine democratico, et capitula generalia ordinum religiosorum, legibus quas ipsi tulerunt omnino subduntur, quia privatim sumpti, sunt inferiores communitati a qua leges feruntur. Idem dicendum, propter eamdem rationem, de duce reipublicae et superiore generali ordinis religiosi, quibus potestas legislativa non competit personaliter et absolute.]

15 **§ II**

§ II

16 **Whether clerics are bound by civil laws, and religious by episcopal laws?**

Utrum clerici teneantur legibus civilibus, et regulares legibus episcopalibus?

17 **I say** 1° : Clerics are not bound by civil laws imposing tolls, tributes and burdens of this kind.

***Dico** 1° : Clerici non tenentur legibus civilibus vectigalia, tributa et hujusmodi onera imponentibus.*

18 Thus it stands established 1° from civil law, L. Sancimus 22, c. de sacrosanctis ecclesiis, and Novella Item nulla, c. de episcopis et clericis. 2° From canon law, can. In qualibet, causa 28, q. 6. Cap. Quamquam de censibus in 6°. Cap. Clericis de immunit. ibid. 3° From the great Lateran council, from the councils of Vienne and Trent, sess. xxv, cap. 20, de reform. This I expounded more fully in the treatise on Justice, dissert. IX, a. 7, § 3.

Ita constat ex jure civili, L. Sancimus 22, c. de sacrosanctis ecclesiis, et Novella Item nulla, c. de episcopis et clericis. 2º ex jure canonico, can. In qualibet, causa 28, q. 6. Cap. Quamquam de censibus in 6º. Cap. Clericis de immunit. ibid. 3º Ex magno concil. Lateran., ex concil. Vienn. et Trid., sess. xxv, cap. 20, de reform. Haec fusius exposui in tract. de Justitia, dissert. IX, a. 7, § 3.

19 [Here it helps to recall what the Council of Trent sanctioned in this matter, at the place cited: « Desiring that ecclesiastical discipline be not only restored among the Christian people but also preserved perpetually safe and sound from all impediments whatsoever, besides those things which it has decreed concerning ecclesiastical persons, the holy Synod judged that secular princes also are to be admonished of their duty, confiding in them, as Catholics whom God willed to be protectors of the faith and of the Church, that they will not only grant that their right be restored to the Church, but... nor permit that officials or inferior magistrates violate with any greed or any inconsiderateness the immunity of the Church and of ecclesiastical persons constituted by the ordinance of God and by canonical sanctions... It therefore decrees and commands that the sacred canons and general councils, and likewise other apostolic sanctions issued in favor of ecclesiastical persons, of ecclesiastical liberty, and against violators thereof, all of which it renews by the present decree, must be observed exactly by all. » Among the canonical sanctions here alluded to the principal place is held by the constitutions of Alexander IV and Boniface VIII related in the Sexto Decretal., lib. III, tit. 23, de immunit., cap. 1° Quia nonnulli, and 3° Clericis, wherein are reproved and punished with excommunication « the excesses of laymen who imposed collections, tallages and burdens upon clerics, and the excesses of clerics who consented to such things. » Whence it must be concluded that tributes of whatever kind, wherewith ecclesiastical goods are now burdened by force of civil law, are to be paid out of necessity only, not truly out of conscience, because such laws « resist God's ordinance and the canonical sanctions. »]

> *[Hic memorare juvat quod ea de re sanxit concilium Trident., loco citato : « Cupiens sancta Synodus ecclesiasticam disciplinam in Christiano populo non solum restitui, sed etiam perpetuo sartam tectam a quibuscumque impedimentis conservari, praeter ea quae de ecclesiasticis personis constituit, saeculares quoque principes officii sui admonendos esse censuit, confidens eos, ut catholicos, quos Deus sancta fidei Ecclesiaeque protectores esse voluit, jus suum Ecclesiae restitui non tantum esse concessuros, sed... nec permissuros ut officiales aut inferiores magistratus Ecclesiae et personarum ecclesiasticarum immunitatem Dei ordinatione et canonicis sanctionibus constitutam aliquo cupiditatis studio seu inconsideratione aliqua violent... Decernit itaque et praecipit sacros canones et concilia generalia, necnon alias apostolicas sanctiones in favorem ecclesiasticarum personarum, libertatis ecclesiasticae et contra ejus violatores editas, quae omnia praesenti etiam decreto innovat, exacte ab omnibus observari debere.» Inter sanctiones canonicas quibus hic alluditur, praecipuum locum obtinent constitutiones Alexandri IV et Bonifacii VIII in sexto Decretal. relatas, lib. III, tit. 23, de immunit., cap. 1° Quia nonnulli, et 3° Clericis, ubi reprobantur et excommunicatione plectuntur « excessus laicorum qui clericis collectas, tallias et onera imponebant, et excessus clericorum qui talibus consentiebant. » Unde concludendum est, propter necessitatem tantum, non vero propter conscientiam, solvenda esse cujusvis generis tributa quibus nunc bona ecclesiastica vi legis civilis onerantur, quia tales leges « Dei ordinationi et canonicis sanctionibus » refragantur.]*

20 *You will say*: Ambrose, cited in can. Si tributum, causa 11, q. 1, says: « If the emperor demands tribute, we deny not; the fields of the Church pay tribute. If the emperor desires fields, he has power of reclaiming them. » And Pope Urban, can. Tributum, causa 23, q. 8: « Concerning exterior things of the Church, what was constituted of old is to be paid to emperors for the peace and quiet by which they ought to protect and defend us. » Therefore.

> Dices *: Ambrosius relatus can. Si tributum, causa 11, q. 1, dicit : « Si tributum petit imperator, non negamus; agri Ecclesiae solvunt tributum. Si agros desiderat imperator, potestatem habet vindicandorum. » Et Urbanus Papa, can. Tributum, causa 23, q. 8 : « De exterioribus Ecclesiae quod constitutum antiquitus est, pro pace et quiete qua nos tueri et defensare debent, imperatoribus persolvendum est. » Ergo.*

21 *Resp.* ad primum. St. Ambrose does not acknowledge that fields and tribute are owed to the emperor, but rather denies it; yet because it was perilous in those circumstances to deny them, he answers: « If the emperor demands tribute, we deny not; the fields of the Church pay tribute, » namely not with the law commanding but with fear compelling, lest worse happen. « If the emperor desires fields, he has power of reclaiming them, » of fact namely, not of right, « none of us intervenes. » Whence he subjoins: « Let no envy be made over the fields; let them take them if it pleases. To the emperor I do not give, but I do not refuse. »

> Resp. *ad primum. S. Ambrosius non agnoscit agros et tributa deberi imperatori, quin potius negat; sed quia periculosum erat in his circumstantiis ea denegare, respondet : « Si tributum petit imperator, non negamus; agri Ecclesiae solvunt tributum, » scilicet non jubente lege, sed metu cogente, ne pejus eveniat. « Si agros desiderat imperator, potestatem habet vindicandorum, » facti scilicet, non juris, « nemo nostrum intervenit. » Unde subjungit : « Non faciant de agris invidiam, tollant eos si libitum est. Imperatori non dono, sed non nego. »*

22 To the second, it is to be understood of that which was constituted of old, not by authority of imperial laws, but by free concession of the supreme Pontiffs.

> *Ad secundum, intelligendum est de eo quod est antiquitus constitutum, non authoritate legum imperialium, sed libera concessione SS. Pontificum.*

23 **I say** 2°: Clerics are bound by civil laws which regard the common government, and which clash neither with sacred canons nor with the state of clerics, as to directive, not coercive force. Such are laws taxing prices of goods and the value of moneys, prescribing the manner of building, of making wills, of contracting, and the like. So commonly.

> ***Dico** 2°: Legibus civilibus quae communem spectant gubernationem, neque sacris canonibus, neque clericorum statui repugnant, tenentur clerici quoad vim directivam, non coactivam. Tales sunt leges taxantes pretia rerum et valorem monetarum, praescribentes modum aedificandi, testandi, contrahendi, et similes. Ita communiter.*

24 *It is proved* as to the first part. Clerics are parts and members of the community. Therefore reason and natural equity require that they render those things which pertain to the common government and quiet of the republic, and conform themselves to the whole, according to the aforesaid dictum of Augustine.

> Probatur *prima pars. Clerici sunt partes et membra communitatis. Ergo ratio et aequitas naturalis exigit ut praestent ea quae ad communem reipublicae gubernationem et quietem pertinent, atque suo toti se conforment, juxta prius laudatum Augustini dictum.*

25 *It is confirmed*, because otherwise there would be confusion and disturbance in the community, while some kept a certain price of merchandise, a certain value of moneys, a certain manner of contracting, etc., and others did not. Therefore.

> Confirmatur, *quia alioquin foret confusio et perturbatio in communitate, dum alii servarent certum pretium mercium, certum valorem monetarum, certum modum contrahendi, etc., et alii non servarent. Ergo.*

26 True, these reasons prove only that clerics are bound by civil laws not by the force of the laws themselves directly, but by the force of the natural law itself, the laws themselves posited as conditions, as we said in the preceding § concerning the legislator himself.

> *Verum hae rationes probant dumtaxat clericos teneri legibus civilibus, non vi ipsarum legum directe, sed vi ipsius legis naturalis, positis ipsis legibus ut conditionibus, sicut diximus § praecedenti de ipso legislatore.*

27 But whether they are bound also directly by the force of these laws?

> *An autem teneantur etiam directe vi istarum legum ?*

28 *Resp.* negatively; because, according to the canons, clerics are exempted from all civil jurisdiction.

> Resp. *negative; quia, juxta canones, clerici eximuntur ab omni jurisdictione civili.*

29 And hence the second part of the conclusion is clear. For if princes have no authority over clerics, they cannot judge and punish them delinquent against the law, but they are to be referred to the ecclesiastical judge, by whom they can be punished either with the penalty taxed by the law or another arbitrary one.

> *Et hinc patet secunda pars conclusionis. Si enim principes nullam habeant authoritatem in clericos, non possunt illos contra legem delinquentes judicare et punire, sed deferendi sunt ad judicem ecclesiasticum, a quo possunt puniri, vel poena a lege taxata, vel alia arbitraria.*

30 **I say** 3° : Exempt religious, such as Mendicants, are subjected as to directive, not coercive force, to the laws of bishops regarding common observance and the devotion of the whole people, except in a few cases excepted.

> ***Dico** 3º : Religiosi exempti, ut Mendicantes, legibus episcoporum communem observantiam et totius populi devotionem spectantibus subjiciuntur quoad vim directivam, non coactivam, nisi in paucis casibus exceptis.*

31 The conclusion is plain from what was said about clerics with respect to civil laws; because, as clerics are exempted from civil jurisdiction, so privileged religious from episcopal jurisdiction. Whence, as clerics are bound by natural equity, that there be conformity in the members and disturbances avoided, by civil laws regarding the common government of the republic, with directive, not coercive force; so exempt religious are bound directive, not coactive, by episcopal laws regarding common observance and the devotion of the whole people.

> *Patet conclusio ex dictis de clericis respectu legum civilium; quia, sicut clerici eximuntur a jurisdictione civili, ita religiosi privilegiati a jurisdictione episcopali. Unde, sicut clerici tenentur ex aequitate naturali, ut sit conformitas in membris et vitentur turbationes, legibus civilibus communem reipublicae gubernationem spectantibus, vi directiva, non coactiva ; ita religiosi exempti tenentur directivè, non coactivè, legibus episcopalibus communem observantiam et totius populi devotionem spectantibus.*

32 I said: « Except in a few cases excepted, » on account of the decree of the council of Trent, sess. xxv, de reform. regul., cap. 12, of this tenor: « Censures and interdicts, not only emanating from the Apostolic See but also promulgated by Ordinaries at the mandate of the bishop, are to be published and observed by regulars in their churches. Also the feast days which the same bishop shall have commanded to be observed in his diocese are to be observed by all exempt persons, even regulars. »

> *Dixi : « Nisi in paucis casibus exceptis, » propter decretum concil. Trident., sess. xxv, de reform. regul., cap. 12, hujus tenoris: « Censurae et interdicta, nedum a Sede Apostolica emanata, sed etiam ab Ordinariis promulgata, mandante episcopo, a regularibus in eorum ecclesiis publicentur atque serventur. Dies etiam festi quos in dioecesi sua servandos idem episcopus praeceperit, ab exemptis omnibus, etiam regularibus, serventur. »*

33 **§ III**

> ***§ III***

34 **Are those private in use of reason bound by human laws, and infidels and heretics by ecclesiastical laws?**

> ***Utrum privati usu rationis teneantur legibus humanis, infideles et haeretici legibus ecclesiasticis?***

35 **I say** 1° : Those constantly private in use of reason, such as infants and perpetual madmen, are not bound by human laws; because, since human law is a rational precept, they are not capable of this bond through defect of reason and liberty. Whence laws are not held to be laid upon them, nor do legislators comprehend them.

> ***Dico** 1° : Constanter privati usu rationis, ut infantes et perpetuo amentes, non tenentur legibus humanis; quia, cum lex humana sit praeceptum rationale, hujus vinculi non sunt capaces, defectu rationis et libertatis. Unde leges non censentur eis positae, nec legislatores eos comprehendere.*

36 But those who are private in use of reason only for a time, such as the drunk, sleepers, madmen having lucid intervals, are bound by human laws; because although they lack the actual exercise of reason and liberty, this is per accidens, and they have both in habit, since reason in them is not extinguished but asleep, and therefore they are proximately capable of acknowledging and keeping the law. Nevertheless, through defect of actual cognition and liberty, so long as they lack them, they are excused from sin in transgressing the law.

> *Qui vero sunt privati usu rationis ad tempus tantum, ut ebrii, dormientes, amentes habentes lucida intervalla, tenentur legibus humanis; quia, licet careant actuali rationis et libertatis exercitio, est per accidens, et utramque habent habitu, cum ratio in eis non sit exstincta, sed sopita, et ideo sint proxime capaces legem agnoscere et servare. Attamen, defectu actualis cognitionis et libertatis, quamdiu ea carent, excusantur a peccato, legem transgrediendo.*

37 Hence you will infer that infants and perpetual madmen can eat flesh on forbidden days, and that others may give it to them to eat; because, since they are not bound by the law, it is to cooperate in a licit thing. Otherwise of the drunk and the temporarily mad; because since these are bound by the law, it would be to cooperate in its material transgression, which is not lawful.

> *Hinc inferes, infantes et perpetuo amentes posse diebus vetitis manducare carnes, eisque ab aliis posse dari comedendas; quia, cum non teneantur lege, est cooperari rei licitae. Secus de ebriis et amentibus ad tempus; quia, cum hi teneantur lege, esset cooperari ejus transgressioni materiali, quod non licet.*

38 **I say** 2° : Children, when they have reached the years of discretion, since then they are capable of precept, are bound by all human laws both civil and ecclesiastical; provided however they suit their age. For there are certain laws from which they are exempted by reason of age, such as the law of fasting, by which they are not bound before the completion of the third septennium, on account of the necessity of nourishment for growth; and the law of paschal communion, on account of the reverence owed to the sacrament, which requires a more mature age, namely about the twelfth year. But a child is held to have reached the years of discretion after the completion of the seventh year.

> ***Dico** 2° : Pueri, cum ad annos discretionis pervenerint, cum tunc sint praecepti capaces, tenentur omnibus legibus humanis tam civilibus quam ecclesiasticis ; si tamen suae aetati conveniant. Sunt enim quaedam leges a quibus ratione aetatis eximuntur, ut lex jejunii, qua non tenentur ante tertium septennium completum, propter necessitatem alimenti ad incrementum, et lex communionis paschalis, propter reverentiam debitam sacramento, quae exigit maturiorem aetatem, scilicet annum duodecimum circiter. Censetur autem puer pervenisse ad annos discretionis, post septimum completum.*

39 **I say** 3° : Infidels are not bound by ecclesiastical laws, because they are not subjects of the Church. But heretics are bound, because through baptism they are subjects of the Church. Nor can it be presumed that the Church exempts from the obligation of her laws sons rebellious against their mother, since this would both foster their insolence and afford Catholics occasion of perversion.

> ***Dico** 3° : Infideles non tenentur legibus ecclesiasticis, quia non sunt Ecclesiae subditi. Haeretici autem tenentur, quia per baptismum sunt Ecclesiae subditi. Neque praesumi potest Ecclesiam filios in suam matrem rebelles eximere ab obligatione legum suarum, cum hoc esset et eorum fovere proterviam, et catholicis occasionem perversionis praebere.*

40 **IV**

> ***IV***

41 **By what laws are wayfarers and pilgrims bound?**

> ***Quibus legibus teneantur itinerantes et peregrini ?***

42 **I say** 1° : Wayfarers and pilgrims, as a rule, are not bound by the particular laws of their own territory while they are elsewhere, whether passing through or staying permanently, provided they do not absent themselves in passing through with this precise mind that they be exempted from the law, otherwise intending to remain.

> ***Dico** 1° : Itinerantes et peregrini regulariter non tenentur legibus particularibus proprii territorii, quando alibi existunt, sive transeunter, sive permanenter, modo non absint transeunter, eo praecise animo ut eximantur a lege, alias remansuri.*

43 *It is proved* 1° from canon law: Cap. Ut animarum de constit., in 6°, Boniface VIII says: « Upon the statute of a bishop whereby sentence of excommunication is promulgated upon all who commit theft, his subjects committing theft outside his diocese are known to be nowise bound. » And he subjoins the reason: « Since outside the territory of him who pronounces judgment, obedience is not paid with impunity. »

> Probatur *1° ex jure can. Cap. Ut animarum de constit., in 6°, Bonifac. VIII dicit : « Statuto episcopi quo in omnes qui furtum commiserint excommunicationis sententia promulgatur, subditi ejus, furtum extra ipsius dioecesim committentes, minime ligati noscuntur. » Et rationem subjungit : « Cum extra territorium jus dicenti, impune non pareatur. »*

44 *It is proved* 2° By reason. 1° Because the jurisdiction of a prince or bishop is limited within his own territory, nor is it extended beyond. 2° The particular laws of some territory are properly local. Yet a local law affects the place immediately, and persons mediately through the place. Therefore those absent from the place are exempted from them. And herein these laws differ from those which are called personal, such as, e.g., the law of reciting the Hours, which affects the cleric independently of any determinate place.

> Probatur *2° ratione. 1° Quia jurisdictio principis seu episcopi limitatur intra proprium territorium, nec ultra extenditur. 2° Leges particulares alicujus territorii sunt proprie locales. Atqui lex localis immediate afficit locum, et mediante loco personas. Ergo absentes a loco ab eis eximuntur. Et in hoc differunt istae leges ab iis quae dicuntur personales, ut est, v. g., lex recitandi Horas, quae afficit clericum independenter a loco aliquo determinato.*

45 I said 1° « as a rule; » because there are certain laws regarding a thing or the advantage or disadvantage of a territory, whose transgressions are consummated even by those absent within their

own territory, such as the law obliging clerics to appear at a certain time at synod or chapter; likewise laws regarding benefices, fields, buildings, by which even those absent are bound.

> *Dixi 1º « regulariter ; » quia sunt quaedam leges spectantes rem vel commodum aut incommodum territorii, quarum transgressiones consummantur etiam ab absentibus in proprio territorio, ut lex obligans clericos ut certo tempore compareant synodo vel capitulo ; item leges spectantes beneficia, agros, aedificia, quibus obligantur etiam absentes.*

46 I said 2°: « Unless they pass through absently, with this precise mind that they be exempted from the law, otherwise intending to remain; » because there intervenes fraud there, « but fraud and deceit patronize no one, » as all admit and as is enacted by law.

> *Dixi 2° : « Nisi absint transeunter, eo praecise animo ut eximantur a lege, alias remansuri; » quia ibi intervenit fraus, « fraus autem et dolus nemini patrocinantur, » ut omnes admittunt et a jure statuitur.*

47 [You will ask 1º whether all who leave their own territory with the mind of withdrawing themselves from the obligation of the law are held to act in fraud of the law.

> *[Petes 1º an in fraudem legis censeantur agere omnes qui e proprio territorio abeunt animo se subducendi legis obligationi.*

48 *Resp.* It is controverted. Concina, Collet, Antoine and certain others affirm. The reason is that, as said above, no one's fraud ought to patronize himself. But it is denied more commonly and probably, because one leaving his own territory acts not in fraud of the law but uses his right, as say St. Alphonsus, lib. I, n. 157, Elbel, n. 370, Lacroix, n. 683, and others. For one may always add exempting causes, and more probably even directly and proximately. The reason is that the law does not of itself make anyone its subject, but is borne toward him who already is subject; and therefore, at least speaking per se, it obliges no one so that he be or remain its subject, but obliges him who is and remains subject. Therefore if anyone withdraw himself from the dominion of the law by an action licit from elsewhere, he does not act in fraud of the law but uses his right.

> Resp. *Controvertitur. Affirmant Concina, Collet, Antoine et quidam alii. Ratio est, quia, ut supra dictum est, nemini sua fraus patrocinari debet. Sed communius et probabiliter negatur, quia exiens e suo territorio, non in fraudem legis agit, sed jure suo utitur, ut aiunt S. Ligorius, lib. I, n. 157, Elbel, n. 370, Lacroix, n. 683, et alii. Licet enim semper apponere causas eximentes, et probabilius etiam directe et proxime. Ratio est, quia lex per se non facit aliquem sibi subditum esse, sed fertur in eum qui jam est subditus ; ideoque, saltem per se loquendo, neminem obligat ut sibi sit aut maneat subditus, sed obligat eum qui est et manet subditus. Igitur, si quis actione aliunde licita se subtrahat legis dominio, non agit in fraudem legis, sed jure suo utitur.*

49 Therefore acting in fraud of the law seems to occur in only two cases, whether the law be local or personal: 1° When by fiction of law one absent is held to transgress the law in his own territory. Which happens when the law deals with things situated in its own territory, such as fields, buildings, payment of real tributes, etc.; or commands or forbids actions to be done or omitted in the same territory, such as residence imposed upon beneficed clerics and presence at the diocesan synod for those who must belong to this assembly by law; or the introduction of certain merchandise, from which not only those present but also those absent are bound to abstain. 2° When it is expressly forbidden by some law. Thus the sacred Congregation of the council declared illicit and invalid the marriage of those who pass from the place where the Tridentine decree on clandestinity was promulgated into a place where the promulgation of this decree was not made, with this precise

mind that they contract clandestinely there; which decision was confirmed by the constitution of Urban VIII.

> *Videtur ergo in fraudem legis agi in duplici tantum casu, sive lex sit localis, sive sit personalis : 1° Quando fictione juris absens censetur in proprio territorio legem transgredi. Quod accidit cum lex versatur circa res in proprio territorio sitas, ut agros, aedificia, tributorum realium solutionem, etc.; vel praecipit aut prohibet actiones in eodem territorio ponendas aut omittendas, ut residentia beneficiatis imposita et praesentia in synodo dioecesana pro his qui ex jure huic coetui interesse debent, aut introductio quarumdam mercium, a qua abstinere tenentur, non solum praesentes, sed etiam absentes. 2° Quando aliqua lege id expresse prohibetur. Sic sacra Congregatio concilii Tridentini illegitimum et invalidum declaravit matrimonium eorum qui e loco ubi decretum Tridentinum de clandestinitate fuit promulgatum transeunt in locum ubi promulgatio hujus decreti non fuit facta, eo praecise animo ut ibi clandestine contrahant; quae decisio constitutione Urbani VIII fuit confirmata.*

50 *You will ask* 2° whether he who passes from his domicile, where a law is in force, e.g., for the keeping of some feast or fast, into a place where such law does not exist, is bound to observe it before departure.

> Petes 2° *an qui e domicilio suo, ubi viget lex, v. g., alicujus festi vel jejunii servandi, transit in locum ubi lex talis non existit, eam observare ante discessum teneatur.*

51 *Resp.* It is controverted. Some affirm. Their reason is that a law which actually obliges ought actually to be fulfilled. Whence he who departs in the morning ought to hear Mass on the feast day, unless grave necessity urge, and it is not lawful for him to breakfast. Others deny, for this reason, that a law need not be actually fulfilled if afterwards it be not necessary that it be fulfilled. If therefore in your territory there is a local feast, and you are about to depart to another place where that feast is not observed, you are not bound to hear Mass before departure, provided you are about to arrive outside the place where the precept is in force before the time of obligation ceases. The reason is that the precept does not oblige you to wait. So Gury, n. 95, 4°, with St. Alphonsus, lib. 1, n. 157, and Salmanticenses, n. 66. Likewise, if someone is about to leave a place where there is a fast, and knows with certainty that he will arrive in the evening at a place where there is no fast, then, although he cannot eat flesh there whence he departs, since that abstinence is divisible, he can nevertheless breakfast there and dine at midday — against some, as teach Lessius, cap. 2, dist. 8, and Sanchez, lib. I, cap. 12. So St. Alphonsus, ubi supra. The reason is that fasting is an individual thing. From which it follows also that he who leaves his territory where there is no fast and passes into another where fasting is observed can sup in the evening. This latter opinion is probable enough to be safely carried into practice. Nevertheless, with St. Alphonsus, ibid., we say that the contrary opinion can be urged as more pious, unless something stand in the way.

> Resp. *Controvertitur. Quidam affirmant. Ratio eorum est, quod lex quae actu obligat, actu impleri debet. Unde qui mane discedit, in die festo, missam audire debet, nisi gravis necessitas urgeat, et eidem non licet jentare. Alii negant, ea ratione, quod lex de necessitate non sit actu implenda, si postea non sit necesse eam impleri. Si ergo in tuo territorio sit festum locale, et in alium locum ubi illud festum non observatur sis profecturus, non teneris missam audire ante discessum, modo perventurus sis extra locum ubi viget praeceptum antequam tempus obligationis cesset. Ratio est, quia praeceptum non obligat ut expectes. Ita Gury, n. 95, 4°, cum S. Ligorio, lib. 1, n. 157, et Salmant., n. 66. Pariter, si quis abiturus est loco ubi est jejunium, sciatque certo se perventurum vesperi ad locum ubi non sit jejunium, tunc, etsi non possit ibi vesci carnibus unde abit, cum ista abstinentia sit dividua, potest tamen ibi jentare et meridie prandere, ut contra quosdam docent Lessius, cap. 2, dist. 8, et Sanchez, lib. I, cap. 12. Sic S. Ligorius, ubi supra. Ratio est, quia*

jejunium est quid individuum. Ex quo sequitur etiam quod qui relinquit suum territorium ubi non est jejunium, et transit in aliud ubi jejunatur, potest vespere coenare. Haec posterior opinio sat est probabilis ut secure ad praxim deduci possit. Attamen, cum S. Ligorio, ibid., dicimus contrariam sententiam, tamquam magis piam, suaderi posse, nisi quid obstet.

52 **I say** 2° : Not only those who have domicile or quasi-domicile in a foreign territory, but also those who are there in passing through, such as wayfarers, pilgrims and wanderers, are more probably bound by the particular laws of that territory, if they draw out there a stay proportioned to the observance of the law.

***Dico** 2° : Non solum qui habent domicilium aut quasi domicilium in territorio alieno, sed etiam qui sunt in illo transeunter, ut itinerantes, peregrini et vagi, probabilius tenentur legibus particularibus hujus territorii, si illie trahant moram observationi legis proportionatam.*

53 Of those who have domicile in foreign territory there is no difficulty: all agree that they are bound by the laws of that territory. He is said to have domicile in some territory who dwells or begins to dwell with the mind of dwelling there always; quasi-domicile, who dwells in it during a notable part of the year. Some say a greater, others a lesser [part], provided it be notable, such as students in academies, merchants in emporiums, princes at courts, etc. These therefore, by this very fact that they have fixed domicile or quasi-domicile elsewhere, are certainly bound by all the laws of that place, and acquire its forum, civil as well as ecclesiastical, and acquire a parish, no otherwise than other inhabitants, so that they can be summoned before its judge, contract marriage there, be dispensed by the Ordinary in votis, etc. Except the sacred Orders, which they cannot receive except from the bishop of the place of birth, on account of the contrary disposition of law or custom.

De his qui in territorio alieno habent domicilium, non est difficultas : omnes conveniunt eos teneri legibus hujus territorii. Dieitur autem habere quis domicilium in aliquo territorio, qui habitat aut incipit habitare, animo semper habitandi ; quasi domicilium, qui habitat in eo per notabilem anni partem. Quidam dieunt majorem, alii minorem, modo sit notabilis, ut sunt studentes in academiis, mercatores in emporiis, prineipes in aulis, etc. Hi ergo, hoc ipso quo fixerint alieubi domicilium aut quasi domicilium, certo tenentur omnibus legibus illius loci, et ejus forum sortiuntur, tam civile quam ecclesiasticum, ac parochiam acquirunt, non secus ac alii incolae, ita ut possint coram illius judice circumveniri, illic matrimonium contrahère, ab Ordinario in votis dispensari, etc. Excipe Ordines sacros, quos recipere non possunt, nisi ab episcopo loci nativitatis, propter contrariam dispositionem juris aut consuetudinis.

54 Therefore as to wayfarers, pilgrims and wanderers: *It is proved* 1° from Ambrose, in Augustine, Epist. 55[1] , and related in cap. Illa, dist. 10, where Augustine asking him on behalf of his mother whether she might licitly not fast on Saturday at Milan, Ambrose answers: « When I come to Rome, I fast on Saturday; when I am at Milan, I do not fast. So do thou also, to whatever church thou chancest to come, observe its custom, if thou wouldst not give scandal to anyone, nor receive scandal from anyone. » Whence the common saying: « If you be at Rome, live in the Roman manner; if you be elsewhere, live as there. »

1 Olim 118.

Quantum ergo ad itinerantes, peregrinos et vagos, Probatur *1° ex Ambrosio, apud August. Epist. 55[1], et refertur cap. Illa, dist. 10, ubi Augustino interroganti pro matre sua, an illi liceret Mediolani non jejunare sabbato, respondet Ambrosius : « Cum Romam venio, jejuno sabbato, cum Mediolani sum, non jejuno. Sic etiam tu, ad quam forte ecclesiam veneris, ejus morem serva, si cuquam non vis esse scandalo, nec quemquam tibi. » Unde commune effatum : « Si fueris Romae, romano vivito more; si fueris alibi, vivito sicut ibi. »*

[1] *Olim 118.*

55 *It is proved* 2° By reason. 1° By the law of nations, with the consent of legislators, by usage and the common sense of peoples it has been established, to safeguard peaceful intercourse with and conformity to each place and avoid scandals, that everyone keep the laws of the territory in which he is; open indication of which is that superiors of that territory can compel newcomers to the observance of their laws and take notice of delinquents.

> Probatur 2° *ratione. 1° Jure gentium, consensu legislatorum, usu atque sensu communi populorum firmatum est, ad pacificam cujusque loci conversationem et conformitatem tuendam, ae vitanda seandala, ut unusquisque servet leges territorii in quo est ; cujus apertum indicium est, quod superiores hujus territorii possint compellere advenas ad observationem suarum legum, et in delinquentes animadvertere.*

56 2° A brief absence suffices that pilgrims be exempted from the laws proper to their own territory, as we said. Therefore a brief presence suffices that they be subjected to the laws proper to the territory in which they are; for he who perceives the advantage ought also to perceive the disadvantage.

> *2° Brevis absentia sufficit ut peregrini eximantur a legibus propriis sui territorii, ut diximus. Ergo brevis praesentia sufficit ut subjiciantur legibus propriis territorii in quo sunt; qui enim sentit commodum, sentire debet incommodum.*

57 *You will say*: Wayfarers and pilgrims cannot contract marriage in the territory in which they are passing through, nor be dispensed in votis by its Ordinary. Therefore.

> Dices *: Itinerantes et peregrini non possunt contrahere matrimonium in territorio in quo sunt transeunter, neque dispensari in votis ab illius Ordinario. Ergo.*

58 *Resp. I deny* the consequence, both because these things are not required for the peaceful government of the community like the observance of municipal laws; and because these things are excepted by the common law.

> Resp. *Nego conseq., tum quia haec non requiruntur ad pacificam communitatis gubernationem, sicut legum municipalium observantia; tum quia haec fa jure communi excipiuntur.*

59 I said: « If he draws out there a stay proportioned to the observance of the law, » because no one is held morally to exist in a place with respect to the obligation and observance of the law if he exists in it no time accommodated to its observance. And hence authors commonly infer that he who passes through a place where there is a feast day, and tarries there only one or two hours, even before midday, is not bound to Mass; otherwise if he remained the whole morning.

> *Dixi: « Si illie trahat moram observationi legis proportionatam, » quia non censetur quis moraliter existere in loco in ordine ad obligationem et observantiam legis, si in eo non existat tempore accommodato ejus observationi. Et hine inferunt communiter authores, eum qui transit per locum ubi est festus dies, et ibi moratur tantum una vel altera hora, etiamsi ante meridiem, non teneri ad missam; secus, si maneret toto mane.*

60 [It must be enacted: 1° Pilgrims are bound by all the common laws in force in the place where they actually are, even if in their own territory these were abrogated, or would not bind here and now by dispensation. The reason is that they are under the common legislator, and leaving their own territory even for a time, they no longer enjoy the local privilege. Thus a Frenchman outside his

country is bound to hear Mass on the feasts of Epiphany, Corpus Christi, etc., in places where these feasts have not been suppressed.

> *[Statuendum est: 1° Tenentur peregrini omnibus legibus communibus quae vigent in loco ubi actualiter adsunt, etsi in suo territorio essent abrogatae, vel per dispensationem hie et nune non obligarent. Ratio est, quia subsunt legislatori communi, et proprium territorium etiam ad tempus relinquentes, jam non gaudent privilegio locali. Sic Gallus extra patriam tenetur missam audire in festis Epiphaniae, Corporis Christi, etc., in locis ubi haec festa non fuerunt suppressa.*

61 2° Whenever there is question both of contracts to be celebrated and of delicts, the pilgrim is subject to the laws of the place; because in the former case, as bears the adage of law, « locus regit actum; »

> *2° Quoties agitur tum de contractibus celebrandis, tum de delictis, peregrinus legibus loci subjicitur; quia, in priori casu, ut fert adagium juris, « locus regit actum; »*

62 and in the latter, public order requires that crimes not remain unpunished.

> *et in posteriori, ordo publieus exigit ut scelera non maneant impunita.*

63 3° Local statutes which regard the community are to be observed by all, even by foreigners. For these statutes affect the territory, and all persons actually existing there through the mediation of the territory. However this some understand, with Suarez, of those who have arrived at the term of the journey, not truly of those passing through the territory, who are bound only to observe negative laws.

> *3° Ab omnibus, etiam ab extraneis, observanda sunt statuta localia quae communitatem respiciunt. Haee enim statuta territorium afficiunt, et mediante territorio omnes personas ibi actualiter existentes. Hoe tamen intelligunt quidam, cum Suarez, de his qui pervenerunt ad terminum ilineris, non vero de transeuntibus per territorium, qui leges negativas tantum tenentur observare.*

64 4° Personal statutes bind citizens and inhabitants only, because they affect persons, not truly properly the territory. Whence they cannot be extended to foreigners. Indeed it can happen that pilgrims, in certain cases, ought to observe them to avoid scandal; but then the obligation is only indirect and does not proceed from the law itself.

> *4° Statuta personalia cives et incolas tantum adstringunt, quia personas afficiunt, non vero proprie territorium. Unde ad extraneos extendi non possunt. Fieri quidem potest ut peregrini, in certis casibus, ea observare debeant, ad vitandum scandalum; sed tune obligatio non est nisi indirecta et ex lege ipsa non procedit.*

65 *You will ask* whether he who has already satisfied the law in his own territory is again bound to subject himself to it if afterward he arrives where that law urges later, e.g., when some feast having a vigil with fasting is transferred there to the following day.

> Petes *an qui in suo territorio jam satisfecit legi, iterum ei teneatur se subjicere, si postea eo pervenerit ubi lex illa serius urget, v. g., quando festum aliquod habens vigiliam cum jejunio ad diem subsequentem ibi transfertur.*

66 *Resp.* If anyone has already satisfied a common law in his own territory, he does not seem bound to observe the same law again in the place where it urges later. The reason is that there is not given an obligation of fulfilling the same precept twice, when it was already fulfilled at the time commonly appointed. For where a determinate debt has already been paid, it is not to be paid again, and then the adage can rightly be invoked: « Non bis in idem. » Whence, in the case supposed, he who has

already fasted on the vigil of the day on which the feast falls everywhere will not be bound to fast on the other.]

> Resp. *Si quis legi communi jam in suo territorio satisfecerit, non videtur teneri eamdem legem iterum observare in loco ubi serius urget. Ratio est, quia non datur obligatio iterum idem praeceptum adimplendi, cum jam tempore communiter statuto fuit adimpletum. Ubi enim jam solutum est debitum determinatum, non est iterum solvendum, et tune jure invocari potest adagium : « Non bis in idem. » Unde, in casu supposito, qui jam jejunavit in vigilia diei qua festum incidit ubique, non tenebitur jejunare in altera.]*

On the Change of Laws

1 DISSERTATION V ON THE MUTATION OF LAWS

> *DISSERTATIO V DE MUTATIONE LEGUM*

2 St. Thomas, g. 97.

> *D. Thomas, g. 97.*

3 A law can be mutated in many ways: 1° by abrogation, if it be taken away in whole, or by derogation, if in part;

> *Lex multipliciter mutari potest : 1° per abrogationem, si tollatur in toto, aut per derogationem, si tollatur ex parte;*

4 2° by cessation of its end; 3° by custom; 4° by dispensation; 5° by interpretation. Of all which we shall treat in this last dissertation.

> *2° per cessationem finis illius; 3° per consuetudinem; 4° per dispensationem; 5° per interpretationem. De quibus omnibus agemus in hac ultima dissertatione.*

5 Whence be it

> *Unde sit*

On the change of laws by abrogation and by cessation of their end

1 **I say** 1°: The legislator, his successor or superior can abrogate a law, and a fortiori derogate from it; because it belongs to the same power to destroy and to build up.

> ***Dico** 1° : Legislator, ejus successor aut superior potest legem abrogare, et a fortiori illi derogare; quia ejusdem est potestatis rem destruere et adstruere.*

2 [Benedict XIV, de Synodo dicc., lib. XIII, c. 5, n. 9, proposes this question, namely: « Whether it be within the competence of the bishop either to delete entirely the synodal constitutions made by himself, or to exempt anyone from them for a just cause, when the same have been confirmed by the authority of the supreme Pontiff? » Having related various opinions, he proceeds, n. 11: « The opinion of Fagnanus seems to be preferred to the others, in cap. Si quis, from n. 11 up to 24, de Confirmatione utili vel inutili, where he teaches that a distinction must be made between confirmation which they call in forma communi and confirmation in forma specifica. It is said to take place in forma specifica in the case of one to which is premised the examination of the cause and each statute is diligently weighed, and then, no condition being added, it is confirmed with apostolic authority, with the clause: motu proprio atque ex certa scientia. Statutes which are not examined

singly, nor approved by the Pontiff motu proprio and ex certa scientia, and to which the strength of apostolic authority is not added absolutely but only conditionally, namely if they were made justly, canonically or providently, and provided that they do not run counter to the sacred canons, the Council of Trent, the decrees and apostolic constitutions, are said to be confirmed in forma communi; that latter condition, as the same Fagnanus testifies, n. 18, is wont today to be expressed and set before all confirmations of statutes in forma communi. But now, Fagnanus proceeds, once a statute has been confirmed in forma specifica, since it has put on the nature of a pontifical law, it is not lawful for any inferior to derogate from it. A statute however confirmed in forma communi remains within the competence of those standing to delete, and to withdraw anyone from its obligation for a just cause. For such confirmation bestows on them nothing of law or efficacy which they previously lacked. »]

> *[Benedietus XIV, de Synodo dicc., lib. XIII, c. 5, n. 9, proponit hane quaestionem, scilicet : « Num integrum sit episcopo, aut prorsus delere constitutiones synodales a se factas, aut aliquem ex justa causa ab illis eximere, quando eaedem authoritate summi Pontificis sunt confirmatae? » Relatis variis opinionibus, prosequitur, n. 11 : « Caeteris praeferenda videtur sententia Fagnani, in cap. Si quis, a num. 11 usque ad 24, de Confirmatione utili vel inutili, ubi distinguendum docet inter confirmationem quam vocant in forma communi et confirmationem in forma specifica. In forma specifica fieri dieitur, cui praemittitur causae cognitio et singula statuta diligenter expenduntur, ac deinde, nulla adjecta conditione, authoritate apostolica, cum clausula : motu proprio atque ex certa scientia confirmatur. In forma communi confirmari dicuntur statuta quae non singulatim examinantur, neque approbantur a Pontifice motu proprio et ex certa scientia, atque apostolicae authoritatis robur illis non adjicitur absolute, sed solum conditionate, videlicet si juste, canonice aut provide facta sint, et dummodo sacris canonibus, Tridentini concilii, decretis et constitutionibus apostolicis non adversentur; quam postremam conditionem omnibus statutorum confirmationibus in forma communi hodie exprimi atque opponi solere, idem Fagnanus, n. 18, testatur. Jam vero, pergit Fagnanus, statuto confirmato in forma specifica, cum naturam induerit legis pontificiae, nulli inferiorum fas est derogare. Statutum vero confirmatum in forma communi integrum est statnentibus delere, atque ab illius obligatione aliquem ex justa causa subtrahere. Etenim talis confirmatio nihil novi juris aut efficacitatis illis tribuit qua antea carerent. »]*

[3] **I say** 2°: A general law is considered revoked by a contrary general law. But a particular law, such as are the special customs, statutes and privileges of places, even if there is placed in the general law this general derogatory clause: « Notwithstanding any custom whatsoever, » etc., is not considered revoked unless special mention is made of it, or unless it is otherwise evident that this is the mind of the legislator. So Boniface VIII, cap. Licet, de constit. in 6°,

> ***Dico** 2° : Lex generalis per legem generalem contrariam censetur revocata. Lex vero particularis, quales sunt speciales locorum consuetudines, statuta et privilegia, etiamsi ponatur in lege generali haec clausula derogatoria generalis: « Non obstante quacumque consuetudine, » etc., non censetur revocata, nisi de ea fiat specialis mentio, aut nisi aliunde constet hane esse mentem legislatoris. Ita Bonifacius VIII, cap. Licet, de constit. in 6°,*

[4] [Where he says: « Although the Roman Pontiff, who is considered to have all laws in the shrine of his heart, is known to revoke the prior constitution by enacting a later one, although he makes no mention of it; yet since the customs and statutes of special places and individual persons, being matters of fact and consisting in fact, he can probably be ignorant of them, he is not understood by a constitution newly issued by himself to derogate anything from them, so long as they are reasonable, unless provision is expressly made in it. »]

[Ubi dicit : « Licet Romanus Pontifex, qui jura omnia in scrinio pectoris sui censetur habere, constitutionem condendo posteriorem, priorem, quamvis de ipsa mentionem non faciat, revocare noscatur; quia tamen locorum specialium et personarum singularium consuetudines et statuta, cum sint facti et in facto consistant, potest probabiliter ignorare, ipsis, dum tamen sint rationabilia, per constitutionem a se noviter editam, nisi expresse caveatur in ipsa, non intelligitur in aliquo derogare. »]

5 **I say** 3°: The adequate end of the law simply and absolutely ceasing, and in common, the law ceases; because 1° that is not a law which is not useful to the common good. Therefore, the reason for which it was useful ceasing, it ceases. 2° Because, the reason for which the legislator enacted the law ceasing altogether, he is considered no longer to will it to oblige.

***Dico** 3° : Cessante simpliciter et absolute fine legis adaequato et in communi, cessat lex ; quia 1° non est lex, quae non est utilis bono communi. Ergo, cessante ratione propter quam erat utilis, cessat. 2° Quia, cessante omnino ratione propter quam legislator tulit legem, censetur non velle amplius illam obligare.*

6 I said: « The adequate end ceasing, and in common; » because, if a law is enacted concerning some work because it is apt to conduce and for the most part does conduce to the common good, although in some particular case, per accidens, de facto it does not conduce, nevertheless the law does not therefore cease, because the end of the law does not cease adequately. E. g., the law prohibits the reading of condemned books, because of the danger of perversion: although you are so disposed that you do not fear perversion in yourself, yet since thence it is apt to follow and for the most part follows, the end of the law remains, nor are you exempted from it.

Dixi : « Cessante fine adaequato et in communi; » quia, si lex feratur de aliquo opere, quia natum est conducere et ut plurimum conducit ad bonum commune, licet in aliquo particulari, per accidens, de facto non conducat, non tamen ideo cessat lex, quia non cessat finis legis adaequate. V. g., lex prohibet lectionem librorum damnatorum, propter periculum perversionis : quamvis sis ita dispositus, ut in te non timeas perversionem, quia tamen inde natum est eam sequi et ut plurimum sequitur, remanet finis legis, nee ab ea eximeris.

7 [You will ask whether the obligation of the law ceases in the particular case if its end then ceases contrarily, that is, if the observance of the law redounds against its end.

[Petes an obligatio legis cesset in casu particulari, si ejus finis tune cesset contrarie, id est si observatio legis contra ejus finem cedat.

8 *I answer.* Affirmatively. The reason is, because what is instituted for the common good ought not to fight against it; which would happen if the law were made harmful to the common good, or even to the good of some private person, whose evil redounds against it: as if the law of fasting, which binds when other foods are lacking, or binds anyone because of ill health, were too burdensome; for it concerns the interest of the common good that private persons be kept unharmed.]

Resp. affirmative. Ratio est, quia quod est pro bono communi institutum, non debet contra illud militare; quod accideret, si lex facta noxia bono communi, aut etiam bono alicujus privati, cujus malum redundat contra obligat quando desunt alii cibi, vel alicui, propter malam valetudinem, esset nimis onerosa; interest enim boni communis quod personae privatae serventur incolumes.]

On custom

1 [Custom is twofold[1] : one of fact, the other of right. Custom of fact is defined by St. Thomas : « Frequent acting freely in the same manner. » Custom of right, which follows from custom of fact, is

defined by Isidore, book V Etymol., c. 3, cited chapter 5, dist. 1 : « A certain right instituted by manners [that is, by frequent acts], which is taken for law when law fails. » Here chiefly custom of fact is treated.]

1 In III Sentent., dist. 23, q. 1, a. 14, quaestiunc. 2.

> *[Consuetudo est duplex[1] : una faeti, altera juris. Consuetudo facti definitur a S. Thoma : « Frequentia operandi libere eodem modo. » Consuetudo juris, quae sequitur ex consuetudine facti, definitur ab Isidoro, lib. V Etymol., c. 3, citato cap. 5, dist. 1 : « Jus quoddam moribus [id est, actibus frequentatis] institutum, quod pro lege suscipitur, cum defieit lex. » Agitur hie praecipue de consuetudine facti.]*
>
> *[1] In III Sentent., dist. 23, q. 1, a. 14, quaestiunc. 2.*

2 St. Thomas attributes three things to custom[2] : first, that it introduce law, namely when it exists apart from law and presupposes none; secondly, that it abrogate a law laid down and received; thirdly, that it interpret it. But custom can obtain these three in a twofold way : 1° by way of connivance, when the superior personally consents tacitly or expressly to the custom, to which no determined time is required; 2° by way of prescription, when the custom has prevailed for a certain time, with consent concurring, if not personal, at least juridical or legal, of the superior, as will be explained below.

2 Here q. 97, a. 3, c.

> *Tria S. Thomas tribuit cousuetudini[2] : primum, quod legem inducat, quando scilicet est praeter legem et nullam supponit; secundum, quod abroget legem latam et receptam; tertium, quod eam interpretetur. Haee autem tria consuetudo obtinere potest duplici via : 1° via conniventia, quando superior personaliter consentit tacite vel expresse consuetudini, ad quod non requiritur tempus determinatum; 2° via praescriptionis, quando certo tempore invaluit consuetudo, concurrente consensu, si non personali, saltem juridico seu legali superioris, ut explicabitur infra.*
>
> *[2] Hic g. 97, a. 3, 0.*

3 Whether therefore and how custom can obtain these three things, we inquire. Wherefore

> *An itaque et quomodo consuetudo haec tria obtinere possit, inquirimus. Pro quo*

4 **I say** 1° : Reasonable custom can introduce law where there is none, as well by way of connivance as by prescription[1].

1 Ibid., likewise ad 3.

> ***Dico** 1° : Consuetudo rationabilis potest inducere legem ubi non est, tam via conniventiae, quam praescriptionis[1].*
>
> *[1] Ibid., item ad 3.*

5 [It is proved from both laws. From canonical law, cap. In his, dist. 11, where it is said from Aug. ad Casulanum, epist. 36 : « In those matters concerning which divine Scripture has established nothing certain, the custom of the people of God or the institutes of our forefathers are to be held for law. And as corrupters of divine laws, so despisers of ecclesiastical customs are to be coerced. » Likewise cap. Illa, dist. 12, from the same Aug. ad Januarium, epist. 54 ; who in each epistle reports the celebrated saying of Ambrose : « Whichever church you come to, keep its custom. » And elsewhere. From civil law. L. De quibus, ff de legibus, and elsewhere.]

> *[Probatur ex utroque jure. Ex jure canonico, cap. In his, dist. 11, ubi dieitur ex Aug. ad Casulanum, epist. 36[a] : « In his rebus de quibus nihil certi statuit Seriptura divina, mos populi Dei vel instituta majorum pro lege tenenda sunt. Et sieut*

pravaricatores divinarum legum, ita contemptores ecclesiasticarum consuetudinum coercendi sunt. » Item cap. Illa, dist. 12, ex eodem Aug. ad Januarium, epist. 54° ; qui in utraque epistola refert celebre Ambrosii effatum : « Ad quam forte ecclesiam veneris, ejus morem serva. » Et alibi. Ex jure civili. L. De quibus, ff de legibus, et alibi.]

6 It is proved by reason. In reasonable custom can concur all the things required for law, namely honest matter useful to the common good, the intention of binding oneself and legitimate authority, whether of the community, if it be free, or of the prince manifestly approving, either personally or legally, that custom and intention. Therefore.

Probatur ratione. In consuetudine rationabili possunt concurrere omnia qua requiruntur ad legem, scilicet materia honesta et utilis bono communi, intentio se obligandi et legitima authoritas, vel communitatis, si sit libera, vel principis manifeste approbantis, sive personaliter sive legaliter, eam consuetudinem et intentionem. Ergo.

7 I said : « Of the prince approving, either personally or legally, » because a twofold consent of the prince is distinguished, one personal, the other juridical or legal : Personal, when the superior, aware of the custom, approves it, either expressly by word or by some manifest act, or tacitly, by not resisting it while he easily could. Juridical or legal consists in this, that the laws or predecessors of the present superior have declared and enacted that such custom introduces law; to which consent, as is plain, it is not required that the custom become known to the superior. That therefore custom may introduce law by way of connivance, personal consent is required, at least tacit; but that it may introduce it by way of prescription, legal consent suffices.

Dixi : « Principis approbantis, sive personaliter sive legaliter, » quia duplex distinguitur consensus prineipis, unus personalis, alter juridicus seu legalis : Personalis, quando superior conscius consuetudinis eam approbat, vel expresse verbo aut aliquo facto manifesto, vel tacite, ei non resistendo, dum facile posset. Juridieus seu legalis in hoc consistit, quod jura seu praedecessores superioris praesentis declaraverint et statuerint talem consuetudinem inducere legem; ad quem consensum, ut patet, non requiritur quod consuetudo innotescat superiori. Ut igitur consuetudo inducat legem via conniventiae, requiritur consensus personalis saltem tacitus; ut autem inducat via prescriptionis, sufficit consensus legalis.

8 [You will ask whether all customs long-lasting and general obtain the force of law.

[Petes an omnes consuetudines diuturna et generales vim legis obtineant.

9 Answer. Customs which consist in the frequent repetition of the same acts, however long-lasting and general they be, do not obtain the force of law unless they were observed with the mind of binding oneself. The reason is, because custom is taken for law. But law is constituted through the will of obliging. Therefore. Whence the custom of saluting B. M. V. thrice a day at the tolling of the bell, of purifying oneself with blessed water at the entrance of the church, etc., never obtained obligatory force of law, because these acts were always frequented from mere devotion. It is known moreover whether a custom was introduced with the mind of binding oneself, if it be observed constantly and universally and not without considerable inconvenience; if transgressors are punished; if pious men commonly so judge. But in doubt whether a custom be from devotion or obligation, whether under grave or under light matter, whether it oblige under sin or only under penalty, the more benign part is to be held; for no law obliges unless it stand established concerning it. So St. Ligor., lib. I, n. 107.]

Resp. Consuetudines quae consistunt in frequentatione eorumdem actuum, quantumvis diuturnae et generales sint, vim legis non obtinent, nisi animo se obligandi fuerint observatae. Ratio est, quia consuetudo aceipitur pro lege. Atqui lex

constituitur per voluntatem obligandi. Ergo. Unde consuetudo ter in die salutandi B. M. V. ad pulsum campanae, se purificandi aqua benedicta in ingressu ecclesiae, etc., vim legis obligatoriae nunquam fuit sortita, quia hi actus ex mera devotione semper fuerunt frequentati. Cognoscitur autem an consuetudo fuerit inducta cum animo se obligandi, si constanter et universaliter observetur et cum non levi incommodo ; si transgressores puniantur; si ita sentiant communiter homines pii. In dubio autem an consuetudo sit ex devotione vel obligatione, sub gravi vel sub levi, an obliget sub culpa vel tantum sub pcna, benignior pars tenenda est; nam nulla lex obligat, nisi de ea constet. Ita S. Ligor., lib. I, n. 107.]

10 **I say** 2° : Reasonable custom can abrogate human law, even irritant, or derogate from it, as well by way of connivance as by prescription[1].

1 Ibid.

***Dico** 2° : Consuetudo rationabilis potest abrogare legem humanam etiam irritantem, aut ei derogare tam via conniventiae quam praescriptionis[1].*

1 Ibid.

11 Of the way of connivance there is no difficulty, because law hangs upon the will of the legislator; whence, the will of the legislator being changed, and this manifested outwardly, the law ceases. But through free connivance toward a custom contrary to the law is manifested in fact the change of will in the legislator. Therefore. I said : « Free connivance, » so that the legislator can easily hinder it and does not hinder it; for if he tolerate it because he cannot resist, or defer to another time, it is not free consent sufficient to abrogate law by way of connivance.

De via conniventiae non est difficultas, quia lex pendet a voluntate legislatoris; unde, mutata voluntate legislatoris, eaque exterius manifestata, desinit lex. Atqui per conniventiam liberam consuetudini contrariae legi, manifestatur facto mutatio voluntatis in legislatore. Ergo. Dixi : « Conniventiam liberam, » ita quod legislator possit facile impedire, et non impediat; si enim toleret quia resistere non potest, aut si differat in aliud tempus, non est consensus liber et sufficiens ad abrogandam legem via conniventiae.

12 The second part is proved from both laws. From canonical law. Cap. Cum tanto de consuetudine, Decretal. lib. I, tit. 4, c. 11, it is said : « Although long-standing custom has no mean authority, yet it shall not prevail so far as to generate prejudice against positive law itself, unless it be reasonable and legitimately prescribed. » By which exception the canon plainly signifies that reasonable custom legitimately prescribed can derogate from human law. From civil law, L. De quibus, ff de legibus : « Most rightly has this been received, that laws are abrogated not only by the suffrage of the legislator, but also by the tacit consent of all, through disuse. »

Probatur secunda pars ex utroque jure. Ex jure canonico. Cap. Cum tanto de consuetudine, Decretal. lib. I, tit. 4, c. 11, dicitur : « Licet longaeva consuetudinis non sit vilis authoritas, non est tamen usque adeo valitura, ut vel juri positivo debeat praejudicium generare, nisi fuerit rationabilis et legitime praescripta. » Qua exceptione aperte significat canon, consuetudinem rationabilem legitime prascriptam posse legi humanae derogare. Ex jure civili, L. De quibus, ff de legibus : « Rectissime illud receptum est, ut leges non solum suffragio legislatoris, sed etiam tacito consensu omnium per desuetudinem abrogentur. »

13 It is proved by reason. Human laws are subject to the authority and will of men, no otherwise than other human things and rights. But human things and rights can be changed and transferred independently of the will of their lords through the authority of law, as happens in prescription. Therefore likewise human laws can be changed through the authority of law, independently of the

personal will of legislators. — I subjoin. But the laws decree that reasonable custom legitimately prescribed prevail over human law, as is plain from the laws praised above. Therefore.

> *Probatur ratione. Leges humanae subsunt authoritati et voluntati hominum, non secus ac aliae res humanae et jura. Atqui res humanae et jura possunt independenter a voluntate dominorum mutari et transferri per authoritatem juris, ut fit in prescriptione. Ergo pariter leges humanae possunt mutari per authoritatem juris, independenter a voluntate personali legislatorum. — Subsumo. Atqui jura decernunt consuetudinem rationabilem legitime prascriptam praevalere legi humanae, ut patet ex juribus laudatis. Ergo.*

14 Hence you will infer that no determined time is required in order that custom abrogate law by way of connivance, but that it suffice that connivance or personal consent of the legislator stands established; because the law ceases not by right but by the changed will of the legislator himself. When however one proceeds by way of prescription, determined time is required; because then it ceases not from the changed will of the legislator, but from the disposition of law, and therefore time determined by law is required in order to prescribe legitimately. Whence the common opinion is, that in order that custom prescribe against civil law, ten years are required; against ecclesiastical law, forty years; because thus common law disposed for the prescription of other civil and ecclesiastical rights.

> *Hine inferes, nullum determinatum tempus requiri ut consuetudo abroget legem via conniventia, sed sufficere quod constet de conniventia seu consensu personali legislatoris; quia, non jure, sed ipsius legislatoris voluntate mutata, desinit lex. Quando autem proceditur via prescriptionis, requiritur tempus determinatum; quia tunc non desinit ex mutata voluntate legislatoris, sed ex dispositione juris, et ideo requiritur tempus a jure determinatum ad legitime praeescribendum. Unde communis sententia est, quod ad hoc ut consuetudo praescribat contra legem civilem, requirantur decem anni, contra legem ecclesiasticam, quadraginta anni; quia sic jus commune disposuit pro praescriptione aliorum jurium civilium et ecclesiasticorum.*

15 [Prescription of forty years seems required against ecclesiastical laws, from cap. De quarta, lib. II Decretal., tit. 26 de praescript. and cap. Ad aures, ibid., where is read : « Prescriptions of forty years exclude every action altogether. » But Lessius, lib. II, chapter 6, dub. 14, n. 17, and others cited among the Salmanticenses, de Legib., chapter 6, punct. 3, § 2, n. 17, say probatively that ten years suffice, whether the laws be received or not; because no greater reason is to be had of custom against ecclesiastical law than against civil, since no law distinguishes between these laws. Lessius answers moreover to the texts cited, that they speak not of laws, but of rights and goods immovable of the Church to be prescribed; but under the name of rights the laws of the Church do not come. So St. Ligor., lib. I, n. 139.

> *[Praescriptio quadraginta annorum videtur requiri contra leges ecclesiasticas, ex cap. Dequarta, lib. II Deeretal., tit. 26 de praescript. et cap. Ad aures, ibid., ubi legitur : « Quadragesimalis praescriptio omnem prorsus actionem exeludit. » Sed Lessius, lib. II, cap. 6, dub. 14, n. 17, et alii apud Salmanticenses, de Legib., cap. 6, punct. 3, § 2, n. 17, probabiliter dieunt sufficere decem annos, sive leges sint receptae, sive non ; quia non major ratio habenda est de consuetudine contra legem ecclesiasticam, quam civilem, cum nullum jus inter has leges distinguat. Respondet autem Lessius ad citatos textus, eos non loqui de legibus, sed de juribus et bonis immobilibus Ecclesiae praescribendis; nomine autem jurium Eeclesia non veniunt Ecclesiae leges. Ita S. Ligor., lib. I, n. 139.*

16 You will ask 1° whether good faith be required in order to prescribe against law.

> *Petes 1° an requiratur bona fides, ad praescribendum contra legem.*

17 Answer negatively, with St. Ligorio, lib. I, n. 107. Even by sinning can custom be made. Salmant., de Legib., chapter 6, punct. 3, § 1, n. 11, with Suarez. For custom holds a threefold state. In the beginning, all sin who introduce custom against law. In progress, those sin not who now use it, already introduced by their forebears, but they can be punished by the prince. At the end they sin not, nor can they be punished, who use it now prescribed. So Salmant., ibid. n. 13, and others. The reason is, because, when custom is clothed with all the conditions required, among them is found the consent of the legislator such as was described above.

> *Resp. negative, cum S. Ligorio, lib. I, n. 107. Etiam peccando potest fieri consuetudo. Salmant., de Legib., cap. 6, punct. 3, § 1, n. 11, cum Suarez. Consuetudo enim triplicem statum habet. In initio, introducentes consuetudinem contra legem omnes peecant. In progressu, non peccant illa jam a majoribus introducta utentes, sed possunt a principe puniri. In fine autem non peccant, nee puniri possunt, illa jam praescripta utentes. Ita Salmant., ibid, n. 13, et alii. Ratio est, quia, cum consuetudo omnibus conditionibus requisitis vestitur, inter eas invenitur consensus legislatoris qualis fuit supra descriptus.*

18 You will ask 2° whether custom can prevail, if a law be passed with the clause : « Notwithstanding any custom whatsoever. »

> *Petes 2° an consuetudo praevalere possit, si lex feratur cum clausula : « Non obstante quacumque consuetudine. »*

19 Answer. The clause is commonly understood of a contrary custom already existing, not indeed of a future one. Salmant., de Legib., chapter 6, punct. 4, § 2, n. 43, and others. But if the clause reject any custom whatsoever, even future, Salmant., ibid., n. 43, with Suarez, say it is more probable that such a custom can abrogate the law. For if some custom must be judged unreasonable at the time the law is passed, it can become reasonable at future time, unless it be adverse to natural or divine law. St. Ligor., ibid., n. 108.]

> *Resp. Communiter intelligitur clausula de consuetudine opposita jam existente, non vero de futura. Salmant., de Legib., cap. 6, punct. 4, § 2, n. 43, et alii. Si autem clausula reprobet quameumque consuetudinem, etiam futuram, Salmant., ibid., n. 43, cum Suarez, dicunt probabilius esse talem consuetudinem posse legem abrogare. Si enim consuetudo aliqua irrationabilis censeri debeat tempore quo lex fertur, fieri poterit rationabilis tempore futuro, nisi legi naturali vel divinae adversetur. S. Ligor., ibid., n. 108.]*

20 **I say** 3° : Custom can interpret law[1].

1 Here q. 97, a. 3, c.

> ***Dico** 3° : Consuetudo potest interpretari legem[1].*
>
> *1 Hic q. 97, a. 3, o.*

21 It is plain from law, cap. Cum dilectus, Decretal. lib. I, tit. 4, de consuetudine, etc. L. Si de interpretatione, ff de legibus. In both custom is called « the best interpreter of laws. »

> *Patet ex jure, cap. Cum dilectus, Decretal. lib. I, tit. 4, de consuetudine, etc. L. Si de interpretatione, ff de legibus. In utroque consuetudo dicitur « optima legum interpres. »*

22 [Interpretation moreover is twofold : one doctrinal, according to the mind and sense of the legislator; the other authentic, which proceeds from a superior and has the force of introducing some sense which is received for new law, although perchance it agree not with the first intention of the

legislator. In both ways custom can interpret human law; but in the former way only natural and divine law.]

> *[Duplex autem est interpretatio : una doetrinalis, secundum mentem et sensum legislatoris; altera authentica, quae procedit a superiore et habet vim inducendi aliquem sensum qui pro nova lege recipitur, lieet forte non conveniat cum prima intentione legislatoris. Utroque modo consuetudo potest interpretari legem humanam, priori autem modo tantum legem naturalem et divinam.]*

On dispensation

1 Dispensation, insofar as it is here taken, is a relaxation of the obligation of a law.

> *Dispensatio, prout hic sumitur, est relaxatio obligationis legis.*

2 **§ I**

> *§ I*

3 Who can dispense in human law?

> *Quis possit dispensare in lege humana ?*

4 **I say** 2°: By ordinary power there can dispense in his own laws the lawgiver himself, his successor, and the superior to whom the lawgiver or successor is subordinate. An inferior cannot, however, except by delegated power, and so far as has been granted to him either by law, by custom, or by a superior.

> ***Dico** 2° : Potestate ordinaria dispensare potest in suis legibus ipse legislator, ejus successor, et superior cui legislator aut successor est subordinatus. Inferior autem non potest, nisi potestate delegata, et quantum ipsi concessum est vel a jure, vel a consuetudine, vel a superiore.*

5 The first part is plain; because the obligation of a law depends upon the power of the lawgiver. To the same power it belongs to enact a law and to exempt someone from the law: which is to dispense.

> *Prima pars patet; quia obligatio legis pendet a potestate legislatoris. Ejusdem est autem potestatis ferre legem et aliquem a lege eximere: quod est dispensare.*

6 [Therefore a bishop can dispense from diocesan statutes, even if they were enacted in synod. For a synod is not above the bishop, nor does it have jurisdiction and legislative power, since the priests who come together to the synod by right or are admitted have not a definitive but only a consultative suffrage; and the bishop pronounces in all things as legislator according to those votes, or even against them.

> *[Potest ergo episcopus dispensare a statutis dioecesanis, etiamsi in synodo fuerint edita. Synodus enim non est supra episcopum, nec habet jurisdictionem et potestatem legislativam, cum sacerdotes qui ad synodum ex jure conveniunt vel admittuntur, non suffragium definitivum, sed dumtaxat consultativum, habeant, et episcopus, vel secundum, vel etiam contra vota emissa, ut legislator in omnibus pronuntiet.*

7 No form is prescribed for obtaining dispensations from bishops and other Ordinaries of places, or from prelates of religious orders. This one thing is to be weighed, namely whether they enjoy the faculties necessary for dispensing in matters about which question is raised in various cases.

Nulla forma praescribitur pro dispensationibus obtinendis ab episcopis et aliis Ordinariis locorum, sive a praelatis ordinum religiosorum. Hoc unum expendendum est, scilicet an facultatibus necessariis gaudeant ad dispensandum in rebus de quibus in diversis casibus agitur.

8 Since causes reserved to the Supreme Pontiff are referred from all parts of the world to his authority, a twofold tribunal was constituted at Rome for granting dispensations, namely the sacred Penitentiary and the Dataria. The matters with which the authority of the Major Penitentiary, or prefect of the Penitentiary, is concerned are: delays and commutations of simple vows, commutation of the simple obligation of reciting the canonical hours, absolutions from censures and reserved cases, dispensations over irregularities, convalidations of titles, rehabilitations to benefices as well as to offices, dignities and the like, dispensations for religious wishing to pass to a stricter or laxer institute, condonations and remissions of moneys and fruits badly exacted and received in benefice matter, unless prejudice should thence follow to a third person or a certain lord. As for impediments concerning matrimony, the Penitentiary grants dispensations for the internal forum over all occult impediments, or, for the external forum, though in forma pauperum, over public impediments, of which we shall treat in the treatise on Matrimony. Dispensations over impediments public by their nature are expedited by the Dataria. Of these likewise we shall speak in the same treatise.]

Cum ex omnibus orbis partibus causa Summo Pontifici reservatae ad ejus authoritatem deferantur, duplex tribunal Romae fuit constitutum pro dispensationibus concedendis, sacra scilicet Poenitentiaria et Dataria. Materiae circa quas versatur authoritas Majoris Poenitentiarii, seu Poenitentiariae praefecti, sunt: dilationes et commutationes votorum simplicium, commutatio obligationis simplicis recitandi horas canonicas, absolutiones a censuris et casibus reservatis, dispensationes super irregularitatibus, convalidationes titulorum, rehabilitationes ad beneficia, necnon ad officia, dignitates et similia, dispensationes pro regularibus transire volentibus ad strictiorem vel laxiorem religionem, condonationes et remissiones pecuniarum et fructuum male exactorum ac perceptorum in materia beneficiali, nisi inde sequi debeat praejudicium tertiae persona et certo domino. Quoad vero impedimenta quae matrimonium respiciunt, Poenitentiaria concedit dispensationes pro foro interno super omnibus impedimentis occultis, vel, pro foro externo, sed in forma pauperum, super impedimentis publicis, de quibus agemus in tractatu de Matrimonio. Dispensationes super impedimentis ex natura sua publicis expediuntur a Dataria. De his similiter dicetur in eodem tractatu.]

9 Plain also is the second part; because to dispense is an act of jurisdiction. An inferior has no jurisdiction over the law of a superior except insofar as it is conceded to him, either by that superior himself, or by law or custom.

Patet etiam secunda pars; quia dispensare est actus jurisdictionis. Inferior autem non habet jurisdictionem in legem superioris, nisi in quantum ipsi conceditur, vel ab ipso superiore, vel a jure aut consuetudine.

10 For delegated power is twofold: one from law or custom, which, while granted or annexed in perpetuity not to the person but to the office or dignity, is equated with ordinary power. Cap. Quoniam abbas, de officio delegati, Decretal. lib. I, tit. 29, and L. I, ff de officio ejus cujus commissa est jurisdictio. The other is from man in two ways: either after the manner of grace, in favor of the delegate, and this is of broad interpretation, nor does it expire at the death of the grantor if conferred absolutely; because, according to cap. Si cui, de praebendis, in 6°, « A benefit once granted by a prince ought to endure. » Or after the manner of commission and mandate, in favor of some cause or person, and this is of strict interpretation and expires at the death of the grantor, provided the matter be entire and not yet begun to be put into execution. Cap. Relatum, de officio delegati, and the cited cap. Si cui.

Duplex est enim potestas delegata: una a jure vel consuetudine, quae dum in perpetuum est concessa vel annexa, non personae, sed officio vel dignitati, aequiparatur ordinaria. Cap. Quoniam abbas, de officio delegati, Decretal. lib. I, tit. 29, et L. I, ff de officio ejus cujus commissa est jurisdictio. Altera est ab homine dupliciter: vel per modum gratiae in favorem delegati, et haec est latae interpretationis, nec expirat morte concedentis, si absolute fuerit collata; quia, juxta cap. Si cui, de praebendis, in 6°, «Decet concessum a principe beneficium esse mansurum.» Vel per modum commissionis et mandati in favorem alicujus causa vel personae, et haec est strictae interpretationis et expirat morte concedentis, si res sit integra et nondum executioni coepta mandari. Cap. Relatum, de officio delegati, et cap. cit. Si cui.

11 Whence you gather that bishops cannot dispense by ordinary power in the laws of Supreme Pontiffs and councils, yet can in many cases by delegated power.

Hinc colliges, episcopos non posse potestate ordinaria dispensare in legibus Summorum Pontificum et conciliorum, posse tamen in pluribus casibus potestate delegata.

12 1° When the law expressly grants this to them: thus Trid., session XXIV, cap. 6, de Reformat., grants them power to dispense in all irregularities arising from hidden delict, excepting that which arises from voluntary homicide and from the others brought to a contentious forum.

1° Quando jus id eis expresse concedit: sicut Trid., sess. XXIV, cap. 6, de Reformat., ipsis concedit posse dispensare in omnibus irregularitatibus provenientibus ex delicto occulto, excepta ea quae provenit ex homicidio voluntario et ex aliis deductis ad forum contentiosum.

13 2° They can by custom and tacit consent dispense in lighter matters and such as happen frequently, as in fasts, feasts, the Canonical Hours and the like; because this the fitting governance of the diocese requires, nor is it likely that the Pontiff wishes recourse to be had continually to himself for light matters, or such as occur frequently. In fasts and feasts pastors also can do this, by custom.

2° Possunt ex consuetudine et consensu tacito dispensare in levioribus et iis quae frequenter accidunt, ut in jejuniis, festis, Horis canonicis et similibus; quia id exigit conveniens dioecesis gubernatio, nec est verisimile Pontificem velle ut continuo ad ipsum recurratur pro rebus levibus, aut quae frequenter occurrunt. In jejuniis et festis id etiam possunt parochi, ex consuetudine.

14 3° They can, by tacit consent, dispense in things which brook no delay, because it is presumed by law that the Supreme Pontiff wills not that the faithful remain so long in sin or in danger of sinning. Thus they dispense in occult impediments, if these be discovered after marriage contracted with good faith at least on one side; not however in those discovered before the contract, unless perchance they be detected immediately before the celebration, which cannot be deferred without grave scandal. Likewise they dispense in the impediment of seeking the debt which one party contracted through intercourse with a blood relative in the first or second degree of the other.

3° Possunt, ex consensu tacito, dispensare in iis quae non patiuntur moram, quia jure praesumitur Summum Pontificem nolle fideles tamdiu manere in peccato aut in periculo peccandi. Sic dispensant in impedimentis occultis, si deprehendantur post matrimonium contractum cum bona fide saltem alterutrius partis, non tamen in his quae deprehenduntur ante contractum, nisi forte detegantur immediate ante celebrationem, quae sine gravi scandalo differri non possit. Similiter dispensant in impedimento petendi debitum quod una pars contraxit ex commixtione cum consanguinea in primo vel secundo gradu alterius.

15 What I have said hitherto of bishops must be said of prelates of exempt Regulars respectively toward their subjects; because in things pertaining merely to jurisdiction they are as it were the bishops of their own men.

Quae hucusque dixi de episcopis, dicenda sunt de praelatis Regularium exemptorum respective ad suos subditos; quia in his quae sunt jurisdictionis tantum, sunt veluti suorum episcopi.

16 **§ II. — Whether dispensation without legitimate cause is licit and valid?**

§ II. — Utrum dispensatio sine causa legitima sit licita et valida?

17 **I say** 1°: A superior dispenses illicitly without legitimate cause in his own law or that of an inferior[1].

***Dico** 1°: Superior dispensat illicite sine causa legitima in sua vel inferioris lege[1].*

18 *It is proved*: because 1° he who dispenses without legitimate cause is an imprudent and unfaithful dispenser[2]: imprudent, because he acts rashly, without reasonable cause; unfaithful, because he intends not the common good, unto which the law was instituted, and which he ought by his office and implicit pact with the community to intend. 2° Because to exempt from the law him who is not to be exempted is respect of persons. 3° Because it is base and against natural reason that a part without cause fail of con-

Probatur*: quia 1° dispensans sine causa legitima est dispensator imprudens et infidelis[2]: imprudens, quia agit temere, sine causa rationabili; infidelis, quia non intendit bonum commune, ad quod lex est instituta, et quod ipse ex officio et pacto implicito cum communitate debet intendere. 2° Quia eximere a lege eum qui non est eximendus, est acceptio personarum. 3° Quia turpe est et contra rationem naturalem quod pars sine causa non sit confor-*

19 1 2

1 Ibid.

2 Ibid.

1 2

1 Ibid.

2 Ibid.

20 formity with the whole; which he does who dispenses without cause. 4° Finally, because power is given unto edification, and not unto destruction; whence Bernard, lib. de Consider., c. 4, n. 18, calls dispensation of this kind « a cruel dissipation. »

mis toti; quod facit qui dispensat sine causa. 4° Tandem, quia potestas est data ad aedificationem, et non ad destructionem; unde Bernardus, lib. de Consider., c. 4, n. 18, vocat hujusmodi dispensationem « crudelem dissipationem. »

21 **I say** 2°: A superior dispenses validly without legitimate cause in his own law and that of an inferior.

***Dico** 2°: Superior valide dispensat sine causa legitima in sua et inferioris lege.*

22 *It is proved*. A law, both in coming into being and in being preserved, depends absolutely upon the will of the lawgiver; so that if, although a legitimate cause urged, he instituted it not, or abrogated without legitimate cause a law already instituted, there would be no law, nor would anyone be bound. Therefore, if he take away the obligation of the law for someone, that man is not bound.

Probatur. *Lex, tam in fieri quam in conservari, absolute pendet a voluntate legislatoris; ita quod si, quamvis urgente legitima causa, non instituerat, aut sine legitima causa legem institutam abrogaret, non esset lex, et nullus obligaretur. Ergo, si tollat obligationem legis pro aliquo, ille non obligatur.*

23 *It is confirmed*. Those who are dispensed without cause from impediments of matrimony validly contract matrimony; for no one complains against the validity of such matrimony. Therefore valid is the dispensation.

Confirmatur. *Qui dispensantur sine causa in impedimentis matrimonii, valide contrahunt matrimonium; nullus enim contra hujusmodi matrimonii validitatem reclamat. Ergo valida est dispensatio.*

24 [This the Council of Trent lays down concerning dispensations, session XXV, cap. 18, de reform.: « As it publicly conduces at times to relax the bond of law, that more fully, cases and necessities arising, satisfaction may be given for the common utility; so more frequently to loose the law, indulging petitioners rather by example than by a sure selection of persons and things, is nothing else than to open to each one the way for transgressing the laws. Wherefore let all know that the most sacred canons are to be observed exactly by all, and, as far as lies within their power, indiscriminately. But if an urgent and just reason, and sometimes greater utility, require that dispensation be made with some, this shall be done by whomever the dispensation shall concern, the cause known, with the greatest maturity, and gratuitously; otherwise the dispensation thus made shall be judged surreptitious. »

[Haec statuit de dispensationibus concilium Trident., sess. XXV, cap. 18, de reform.: « Sicuti publice expedit legis vinculum aliquando relaxare, ut plenius, evenientibus casibus et necessitatibus, pro communi utilitate satisfiat; sic frequentius legem solvere, exemplo potiusquam certo personarum rerumque delectu, petentibus indulgere, nihil aliud est quam unicuique ad leges transgrediendas aditum aperire. Quapropter sciant universi, sacratissimos canones exacte ab omnibus, et quoad ejus fieri poterit, indistincte observandos. Quod si urgens justaque ratio et major quandoque utilitas postulaverit cum aliquibus dispensandum esse, id causa cognita, ac summa maturitate, atque gratis, a quibuscumque ad quos dispensatio pertinebit erit praestandum, aliterque facta dispensatio subreptitia censeatur. »

25 *You will ask* 1° whether a superior dispensing without cause sins mortally, and the inferior who makes use of such dispensation.

Petes *1° an peccet mortaliter superior dispensans sine causa, et inferior qui tali dispensatione utitur.*

26 *I answer*, to the first, with the Angelic Doctor, here a. 4, c.: « If without reason, out of mere will, he [the superior] grant license, he will be neither faithful in dispensing nor prudent: unfaithful indeed, if he have not intention toward the common good; imprudent, however, if he know not the reason of dispensing. » And ibid., ad 1: « When dispensation is made with anyone that he keep not the common law, it ought not to be done to the prejudice of the common good, but with the intention that it profit the common good. » Therefore, although the lawgiver be lord of his own law, he seems to sin if he dispense without cause, because he thus weakens the law and provides not sufficiently for the common good. Some say he sins mortally if the matter be grave. Others teach better that then the sin is none other than venial, scandal or grave damage of anyone being set aside; for the disorder does not appear as grave of itself. S. Lig., lib. I, n. 178.

Resp. *ad 1um cum Angelico, hic a. 4, c: « Si absque ratione, pro sola voluntate licentiam tribuat [superior], non erit fidelis in dispensatione, aut erit imprudens: infidelis quidem, si non habet intentionem ad bonum commune; imprudens autem, si rationem dispensandi ignoret. » Et ibid, ad 1: « Quando cum aliquo dispensatur ut legem communem non*

servet, non debet fieri in praejudicium boni communis, sed ea intentione ut ad bonum commune proficiat. » Ergo, quamvis legislator sit legis suae dominus, peccare videtur, si sine causa dispenset, quia legem sic debilitat et non satis bono communi providet. Quidam dicunt eum peccare mortaliter, si materia sit gravis. Alii melius docent tunc peccatum non esse nisi veniale, praeciso scandalo aut alicujus gravi damno; nam deordinatio non apparet ut per se gravis. S. Lig., lib. I, n. 178.

27 *I answer*, to the second. The Salmanticenses, de Legib., cap. 5, punct. 6, § 3, n. 76, with Suarez and others, cited by S. Ligorius, lib. I, n. 178, teach commonly that one using such dispensation does not sin gravely, and to themselves also it seems probable that the sin is not even venial. This is to be understood if scandal be absent, nor damage thence accrue to anyone.

Resp. *ad 2um. Salmanticenses, de Legib., cap. 5, punct. 6, § 3, n. 76, cum Suarez et aliis, apud S. Ligorium, lib. I, n. 178, dicunt communiter, utentem tali dispensatione non peccare graviter, et ipsis etiam probabile videtur quod peccatum nec veniale sit. Hoc intelligendum est, si non adsit scandalum, nec damnum inde alicui obveniat.*

28 *You will ask* 2° whether it be licit to seek or to grant a dispensation when it is doubted whether the cause be sufficient.

Petes *2° an liceat petere vel concedere dispensationem, cum dubitatur an causa sit sufficiens.*

29 *I answer.* 1° It is licit to seek, because it pertains not to subjects to judge of the sufficiency of the cause, but they are bound only to expose the matter sincerely to the superior.

Resp. *1°. Licet petere, quia non pertinet ad subditos de sufficientia causae judicare, sed tenentur tantum rem sincere superiori exponere.*

30 *I answer.* 2° It is licit to grant, because otherwise an intolerable burden would be imposed upon superiors; for since matters are often ambiguous, superiors would be distressed by scruples and anxieties, and if then they were held to take refuge in the safer side, there would be danger lest they fall into excessive severity.]

Resp. *2°. Licet concedere, quia aliter imponeretur superioribus onus intolerabile; cum enim res saepe ambiguae sint, superiores scrupulis et anxietatibus angerentur, et si tunc ad partem tutiorem confugere tenerentur, periculum esset ne in nimiam severitatem conjicerentur.]*

31 **I say** 3°: An inferior neither licitly nor validly dispenses without legitimate cause in the law of a superior; because the superior is not held to grant the faculty of dispensing except for legitimate cause. Nor can the inferior do more in this matter than has been granted to him by the superior. Therefore.

***Dico** 3°: Inferior nec licite nec valide dispensat sine causa legitima in lege superioris; quia superior non censeatur dare facultatem dispensandi nisi ex legitima causa. Non potest autem inferior in hac re plusquam illi sit concessum a superiore. Ergo.*

32 Whence, if the Pope dispensed without sufficient cause in a vow or oath, which are of divine law, or a bishop in the law of a Pontiff or of councils, there would be no dispensation; unless perchance he thought the cause sufficient in good faith, since it is foundedly presumed that so the superior wills, to avoid grave scruples and continual anxieties.

Unde, si Papa dispensaret sine causa sufficienti in voto vel juramento, quae sunt juris divini, vel episcopus in lege Pontificis aut conciliorum, nulla foret dispensatio; nisi forte bona fide causa putaretur sufficiens, quia fundate

praesumitur sic velle superiorem, ad vitandos graves scrupulos et continuas anxietates.

33 [*You will ask* 1° whether a dispensation obtained by force or fear is valid.

*[*Petes *1° an valeat dispensatio per vim aut metum obtenta.*

34 *I answer.* Affirmatively, provided these three things stand: 1° that a cause of dispensing exist; 2° that the will of dispensing have not been wanting in the superior; 3° that no cause of nullity be present from elsewhere. So S. Ligor., lib. I, n. 184, and many cited by him.]

Resp. *affirmative, dummodo haec tria constent: 1° quod existat causa dispensandi; 2° quod superiori non defuerit animus dispensandi; 3° quod aliunde non adsit causa nullitatis. Ita S. Ligor., lib. I, n. 184, et plures apud ipsum.]*

35 *You will ask* 2° what are the legitimate causes of dispensing.

Petes *2° quae sunt causae legitimae dispensandi.*

36 *I answer.* Generally speaking, three are commonly assigned: piety, utility, especially of the common good, or such as redounds to the common good, and necessity; which ought not to be so great that it of itself takes away the obligation of the law, otherwise there would be need not of dispensation but of interpretation only.

Resp. *Generaliter loquendo, assignantur communiter tres: pietas, utilitas praesertim boni communis, aut quae redundet in bonum commune, et necessitas, quae non debet esse tanta ut de se tollat obligationem legis, alias non opus esset dispensatione, sed interpretatione tantum.*

37 **§ III. — Of obreptive and subreptive dispensation.**

§ III. — De dispensatione obreptitia et subreptitia.

38 Obreptive is said of what is obtained by alleging a falsehood; subreptive, by concealing the truth.

Obreptitium dicitur quod obtinetur allegando falsum; subreptitium, reticendo verum.

39 **I say** 1°: If the obreption or subreption fall upon the principal cause of the dispensation, the dispensation is null. So decrees Innocent III, cap. Super litteris, Decretal. lib. I, tit. 3, de rescriptis; and this at the very least is signified by the usual clause of dispensations: « Si preces veritate nitantur », which, were it not appended, must always be understood, from cap. Ex parte, same title. The reason also is plain; because the superior intends to dispense only on account of this cause, which is principal, and without which he would not dispense. Therefore, this failing, the dispensation falls. For the same reason, the same must be said if the obreption or subreption fall upon that without which, although it be not the principal cause, the superior would not dispense in such manner and form, but with an added condition and burden: as if a rich man seek dispensation in forma pauperum, as I shall say below.

***Dico** 1°: Si obreptio aut subreptio cadat supra causam principalem dispensationis, dispensatio est nulla. Ita decernit Innocentius III, cap. Super litteris, Decretal. lib. I, tit. 3, de rescriptis, idque ut minimum significat clausula solita dispensationum: « Si preces veritate nitantur, » et quae si non apponeretur, debet semper subintelligi, ex cap. Ex parte, eodem tit. Ratio etiam patet; quia superior non intendit dispensare, nisi propter hanc causam quae est principalis, et sine qua non dispensaret. Ergo, ea non subsistente, corruit dispensatio. Propter eamdem rationem, idem dicendum est, si obreptio vel subreptio cadat super id sine quo, quamvis non sit causa principalis, superior non dispensaret tali modo et forma, sed cum adjecta conditione et onere: ut si dives petat dispensationem in forma pauperum, ut dicam infra.*

40 **I say** 2°: If the obreption or subreption fall upon an impulsive cause only and less principal, from the malice of the allegant, it is more probably null; if from the simplicity and ignorance of the allegant, it is valid. Thus expressly distinguishes and ordains Innocent III, cited cap. Super litteris, de rescriptis.

> ***Dico** 2°: Si obreptio aut subreptio cadat supra causam impulsivam tantum et minus principalem, ex malitia allegantis, probabilius est nulla; si ex simplicitate et ignorantia allegantis, est valida. Ita expresse distinguit et statuit Innocentius III, cap. cit. Super litteris, de rescriptis.*

41 **I say** 3°: Subreption or concealment of truth pertaining to the thing per se and intrinsically, or error concerning the moral substance of the matter, renders the dispensation null: as if you have two affinities or consanguinities on the side of either parent, and express only one; if you ask to be dispensed over an affinity and it is consanguinity, or over a consanguinity and it is affinity, or over the fourth degree and it is the third; because, although perhaps the superior would have dispensed equally had you expressed the matter as it is, he is nevertheless held to concede precisely what is asked, and nothing else. More probable, however, I judge — against certain authors — is that if dispensation be sought for the third degree, and it is the fourth, it is valid; because dispensation of the whole is dispensation of the part contained in the whole, and the fourth degree is contained in the third.

> ***Dico** 3°: Subreptio seu reticentia veri ad rem per se et intrinsece pertinentis, seu error circa moralem substantiam rei, reddit dispensationem nullam: ut si habeas duas affinitates seu consanguinitates ex parte utriusque parentis, et exprimas tantum unam; si petas dispensari super affinitatem, et est consanguinitas, aut super consanguinitatem, et est affinitas, aut super quartum gradum, et est tertius; quia, licet superior forte aeque dispensasset, si rem ut est expressisses, censetur tamen id praecise concedere quod petitur, et non aliud. Probabilius tamen arbitror, contra quosdam, quod si petatur dispensatio pro tertio gradu, et est quartus, sit valida; quia dispensatio totius est dispensatio partis in toto contentae, quartus autem gradus continetur in tertio.*

42 I said, « Error concerning the moral substance of the matter »; because, if there were error concerning the physical substance, and nothing pertaining to the dispensation, it would not vitiate the dispensation: as if you call yourself an advocate when you are a physician, or there be error in the name, Peter being put for Paul; for the superior intends to dispense with the petitioner himself.

> *Dixi: « Error circa substantiam moralem rei; » quia, si esset error circa substantiam physicam, et nihil pertinens ad dispensationem, non vitiaret dispensationem: ut si te dicas advocatum, cum sis medicus, aut erretur in nomine, ponendo Petrum loco Pauli; intendit enim superior dispensare cum petente.*

43 **I say** 4°: When dispensation is sought at the Roman court, subreption or concealment of what the law or the style of this court requires vitiates the dispensation; because, although it be not the principal cause, it is nevertheless the condition sine qua the Pontiffs do not intend to dispense. Whence

> ***Dico** 4°: Quando dispensatio petitur in curia Romana, subreptio seu reticentia illius quod jus seu stylus hujus curiae requirit, vitiat dispensationem; quia, quamvis non sit causa principalis, est tamen conditio sine qua Pontifices non intendunt dispensare. Hinc*

44 *You will gather* 1° that, if you seek at the Roman court dispensation over consanguinity, not expressing the incestuous intercourse, if it preceded, the dispensation is null, from the style of the court; likewise, if the marriage has been contracted or consummated; likewise, if you have contracted

with knowledge of the impediment and with rash hope of obtaining the dispensation more easily, and these you do not express, there is no dispensation.

> Colliges *1° quod, si petas in curia Romana dispensationem super consanguinitate, non exprimendo copulam incestuosam, si praecesserit, nulla sit dispensatio, ex stylo curiae; item, si matrimonium sit contractum aut consummatum; item, si cum scientia impedimenti et cum spe temeraria dispensationem facilius obtinendi contraxeris, et haec non exprimas, nulla est dispensatio.*

45 It is to be observed, as to the incestuous intercourse, if it be occult, that dispensation is sought in the sacred Penitentiary, the names suppressed, to avoid infamy or other damage. But when the impediments are manifest, or easily made manifest, dispensation is granted not by the Penitentiary but by the Dataria, and the names must be expressed; because, since a public impediment is concerned, the matter can be brought to a contentious forum, and the decree of the Dataria must be published. In the Penitentiary the commission of dispensing is directed to the confessor, who shall be a master or professor in theology; in the Dataria, to the official of the place. In the Penitentiary all things are granted gratuitously; in the Dataria is paid the mulct, to be expended on the propagation of the faith, or on other pious uses.

> *Observandum est, quantum ad copulam incestuosam, si sit occulta, quod petatur dispensatio in sacra Poenitentiaria, tacitis nominibus, ob vitandam infamiam, aut aliud damnum. Quando vero impedimenta sunt manifesta, aut facile manifestanda, dispensatio non conceditur a Poenitentiaria, sed a Dataria, et debent exprimi nomina; quia, cum agatur de impedimento publico, potest deduci ad forum contentiosum, et publicari debet decretum Datariae. In Poenitentiaria dirigitur commissio dispensandi ad confessarium, qui sit magister aut professor in theologia; in Dataria ad officialem loci. In Poenitentiaria omnia gratis conceduntur; in Dataria solvitur mulcta expendenda in propagationem fidei, vel in alios pios usus.*

46 *You will gather* 2° that, when there are several impediments, for instance consanguinity and affinity, or several consanguinities or affinities, there is no dispensation if it be sought separately, now for one, afterwards for the other; but it must be sought for all together. Likewise there is none, if it be not expressed in which line the relationship lies, whether direct or transverse, and in what degree, equal or unequal. Similarly in spiritual cognation, if it be not expressed whether it be spiritual daughterhood or compaternity, whether one baptized, or only stood sponsor. The same say of confirmation. Likewise none, if dispensation be sought over the crime of uxoricide, without expressing that like dispensation was already obtained. Likewise, if one dispensed over defect of birth for Orders and benefice afterwards seeks dispensation over plurality of benefices, not again expressing defect of birth. Likewise, if dispensation be sought in forma pauperum, and the petitioner be not truly poor. And all these things and certain others come from the style of the Roman court.

> Colliges *2° quod, quando sunt plura impedimenta, puta consanguinitas et affinitas, vel plures consanguinitates aut affinitates, nulla sit dispensatio, si petatur separatim, nunc pro uno, postea pro altero; sed debet peti pro omnibus simul. Item nulla est, si non exprimatur in qua linea sit propinquitas, an in recta vel transversa, et in quo gradu, aequali vel inaequali. Similiter in cognatione spirituali, si non exprimatur an sit filia spiritualis, vel compaternitas, an baptizaverit, an tantum susceperit. Idem dic de confirmatione. Item nulla est, si petatur dispensatio super crimine uxoricidii, non exprimendo similem dispensationem jam fuisse obtentam. Item, si dispensatus super defectum natalium ad Ordines et beneficium, postea petat dispensationem super pluralitatem beneficiorum, non exprimendo iterum defectum natalium. Item, si dispensatio petatur in forma pauperum, et petens non sit vere pauper. Et haec omnia et quaedam alia ex stylo curiae Romanae.*

47 Dispensation is sought in a threefold form: in forma pauperum, of honest men, and of nobles. That some be judged truly poor, they must be such that they live only from their labor and industry; and therefore it must be expressed in the petition, so that, if that alone be omitted, the petition is useless. Poverty on both sides must be expressed in the petition.

> *In triplici forma petitur dispensatio: In forma pauperum, honestorum et nobilium. Ut aliqui censeantur vere pauperes, debent esse tales, ut de suis laboribus et industria tantum vivant, et ideo debet exprimi in petitione, ita ut, si omittatur tantum, inutilis sit petitio. Debet exprimi in petitione paupertas ex utraque parte.*

48 Daelman, doctor of Louvain, quaest. ultima, observat. ultima, de Matrimon., writes that those should be judged poor who have two or three thousand florins, whether in movables or immovables: both because, if they petitioned in forma honestorum, they would have to be stripped of the greater part of this sum for the dispensation, for which a thousand or two thousand florins are asked, according to the closeness of the degrees, and thus they would become poor; and because these few goods are for them as it were the instrument whereby they can work fruitfully by labor and industry, drawing thence no fruits, or fruits so small that they are reputed as nothing. The theologian cited adds that the Apostolic Nuncio judges thus when petitioners are sent to him by parish priests.

> *Daelman, doctor Lovaniensis, quaest. ultima, observat. ultima, de Matrimon., scribit illos debere censeri pauperes, qui sive in mobilibus, sive in immobilibus habent duo vel tria millia florenorum: tum quia, si peterent in forma honestorum, deberent majori parte hujus summae spoliari pro dispensatione, pro qua petitur mille vel duo millia florenorum, juxta graduum propinquitatem, et sic fierent pauperes; tum quia haec pauca bona sunt eis quasi instrumentum quo labore et industria fructuose operari valeant, nullos inde percipientes fructus, aut ita modicos, ut pro nullo reputentur. Addit laudatus theologus, Nuntium apostolicum sic judicare, quando oratores a parochis ad ipsum mittuntur.*

49 *You will ask* 1° whether, when the Romans append in the dispensation other causes than those which the petitioner set forth, those causes must be true, that the dispensation be valid.

> Petes *1° utrum, quando Romani apponunt in dispensatione alias causas quam eas quas exposuit orator, illae debeant esse verae, ut sit valida dispensatio.*

50 *I answer.* Negatively, but it suffices that those proposed by the petitioner be true; for it is not on account of anything else that he asks to be dispensed, and in truth on account of those he is dispensed: but others are appended from the style of the court, and lest the dispensation appear given for lighter causes.

> Resp. *negative, sed sufficit quod quae ab oratore proponuntur sint verae; non enim ipse propter aliud petit dispensari, et revera propter illas dispensatur: aliae autem apponuntur ex stylo curiae, et ne videatur data dispensatio propter leviores causas.*

51 [*You will ask* 2° whether a dispensation can be validly obtained not only for one who knows not, but also for one who wills not.

> *[*Petes *2° utrum dispensatio valide obtineri possit, non tantum pro inscio, sed etiam pro invito.*

52 *I answer.* Affirmatively, if necessity or at least sufficient motive be present. This right reason dictates, and it seems to be drawn from cap. Si motu proprio, de praebendis in 6°. But the dispensation must be accepted by him dispensed. Otherwise, however, must it be said of dispensations impetrated from the Roman Penitentiary, unless they be sought by persons joined or

blood relatives within the fourth degree, for matrimony, or at least by the confessor, on account of motives which he judges grave. So S. Ligor., lib. I, n. 186.]

> Resp. *affirmative, si necessitas vel saltem sufficiens motivum adsit. Id ratio dictat et erui videtur ex cap. Si motu proprio, de praebendis in 6°. Sed dispensatio debet a dispensato acceptari. Aliter tamen dicendum de dispensationibus quae ex Poenitentiaria Romana impetrantur, nisi petantur a personis conjunctis aut consanguineis intra quartum gradum, ad matrimonium, vel saltem a confessario, propter motiva quae gravia judicat. Ita S. Ligor., lib. I, n. 186.]*

53 *You will ask* 2° whether, the dispenser dying, the dispensation ceases.

> Petes *2° utrum, defuncto dispensatore, cesset dispensatio.*

54 *I answer.* Negatively; because grace does not expire at the death of the grantor, cap. Si super, de officio delegati in 6°. Which is true also although the dispensation have been conceded subject to revocation; because the living dispenser revoked not, nor does the dead man revoke. Otherwise, if he had said: « Until I will », or: « Until it please me »; for the dead man no longer wills, nor does it any longer please him.

> Resp. *negative; quia gratia non expirat morte concedentis, cap. Si super, de officio delegati in 6°. Quod etiam verum est, quamvis dispensatio concessa sit ad revocationem; quia dispensator vivens non revocavit, nec mortuus revocat. Secus, si dixisset: « Donec voluero, » aut: « Donec placuerit; » mortuus enim non vult amplius, nec illi amplius placet.*

55 [*You will ask* 4° how dispensation ceases.

> *[*Petes *4° quomodo cesset dispensatio.*

56 *I answer.* It ceases in three ways, namely: by cessation of the cause, by revocation, by renunciation.

> Resp. *Triplici modo cessat, scilicet: cessatione causae, revocatione, renuntiatione.*

57 1° If the final cause cease at the time when the letters of dispensation are expedited, the dispensation has no effect. For the superior is not held to dispense without cause; and from cap. Ex parte, Decretal. lib. I, tit. 3, de rescriptis, « in letters of this kind this condition is to be understood, even if it be not appended: Si preces veritate nitantur ». — If the final cause cease after the expedition of the letters, but before their publication and execution, since the commissary cannot dispense in the name of the superior except under the same condition and restriction, although the dispensation was at first valid, it is then affected with nullity. — If the final cause cease after execution of the letters, a distinction must be made. Either the matter consists in one act, and the dispensation removes only an impediment; and then, the impediment removed, it cannot revive through a change of circumstances, according to rule 73 juris in 6°: « A deed legitimately done ought not to be recalled, although a case afterwards arise whence it could not have been begun. » Or the matter has successive course and coalesces out of several acts, as the quadragesimal fast, the recitation of the canonical hours; and then, since the dispensation is virtually multiple, it undoubtedly ceases when its cause is taken away, if namely he who obtained it on account of weak health afterwards perfectly recover. — If the final cause be held likely to endure forever, the dispensation remains. Thus he who was dispensed from irregularity to receive sacred Orders, even if for a long time he may be unwilling to receive them, can afterwards, his mind changed, be legitimately promoted. — But if only the impulsive cause have ceased, the dispensation does not vanish, unless it were expressly conceded under this condition.

1° Si cesset causa finalis tempore quo litterae dispensatoriae expediuntur, dispensatio effectum non habet. Superior enim non censetur dispensare sine causa, et ex cap. Ex parte, Decretal. lib. I, tit. 3 de rescriptis, « in hujusmodi litteris intelligenda est haec conditio, etiamsi non apponatur: « Si preces veritate nitantur.» — Si cesset causa finalis post litterarum expeditionem, sed ante earum fulminationem et executionem, cum commissarius non possit nomine superioris dispensare nisi sub eadem conditione et restrictione, quamvis dispensatio in principio fuerit valida, nullitate tunc afficitur. — Si cesset causa finalis post litterarum executionem, distinguendum. Vel materia consistit in uno actu et dispensatio aufert tantum impedimentum, et tunc, sublato impedimento, reviviscere non potest per mutationem circumstantiarum, ex regula 73 juris in 6°: « Factum legitime retractari non debet, licet casus postea eveniat a quo non potuit inchoari. » Vel materia habet tractum successivum et ex pluribus actibus coalescit, ut jejunium quadragesimale, recitatio horarum canonicarum, et tunc, cum dispensatio sit virtualiter multiplex, indubie cessat quando ejus causa tollitur, si nimirum qui illam propter infirmam valetudinem obtinuit, postea perfecte convalescat. — Si causa finalis censeatur perpetuo duratura, manet dispensatio. Sic qui ab irregularitate fuit dispensatus ad ordines sacros suscipiendos, etiamsi per longum tempus eos nolit suscipere, postea, mutato animo, legitime poterit promoveri. — Si vero causa impulsiva tantum cessaverit, dispensatio non evanescit, nisi sub hac conditione expresse fuerit concessa.

58 2° Dispensation altogether ceases through revocation expressly made by the superior, because obligation or release from obligation hangs upon him. Revocation without just cause would indeed be illicit, but nevertheless valid. S. Ligor., lib. I, n. 197, with others, holds that the sin of the superior is then venial only. An inferior prelate who dispensed by delegation does not validly revoke the dispensation without cause.

2° Dispensatio omnino cessat per revocationem expresse a superiore factam, quia obligatio vel deobligatio ab eo pendet. Revocatio sine justa causa illicita quidem foret, sed nihilominus valida. S. Ligor., lib. I, n. 197, cum aliis, censet peccatum superioris tunc esse tantum veniale. Praelatus inferior qui ex delegatione dispensavit, non valide dispensationem revocat sine causa.

59 3° The one dispensed can renounce the grace obtained, with the assent of the superior, before he has secured its effect, and can use it no longer. Excepted: if the renunciation redound to the damage of another or of the community in whose favor the dispensation was bestowed, or if the prelate, for just cause, command the subject to make use of the dispensation.]

3° Dispensatus gratiae obtentae renuntiare potest, cum superioris assensu, antequam effectus fuerit assecutus, et ea amplius uti non potest. Exeipitur si renuntiatio redundet in damnum alterius vel communitatis in cujus favorem fuit impensa dispensatio, aut si praelatus, justa de causa, subditum dispensatione uti praecipiat.]

On the interpretation of laws

1 I. Interpretation generally taken is the explanation of an obscure law, whereby it is declared whether in such a case it obliges or does not oblige. It is twofold: one verbal, which is called simply interpretation, and is the explanation of words conformably to the mind which the legislator had when enacting the law; the other, which is called *epiikia*, is the explanation of the mind, not which the legislator had when enacting the law, but which he would have had if he had attended to the present case, and would have, if he were interrogated here and now.

I. Interpretatio generaliter sumpta, est legis obscurae explicatio, qua declaratur in tali casu obligare vel non obligare. Est duplex: una verbalis, quae dicitur simpliciter interpretatio, et est explicatio verborum conformiter ad mentem quam habuit legislator, condendo legem; altera, quae dicitur epiikia, *est explicatio mentis, non quam habuit legislator, condendo legem, sed quam habuisset, si ad praesentem casum attendisset, et quam haberet, si hic et nunc interrogaretur.*

2 [II. Simple interpretation is authentic, usual and doctrinal.

> *[II. Interpretatio simplex est authentica, usualis et doctrinalis.*

3 Authentic interpretation, or that pronounced with authority, is that given by the legislator himself, or by his successor or superior. But whether such interpretation ought to be promulgated in order to oblige? A distinction must be made. Either it is purely such, or it is a mere declaration, and promulgation is not required, since it is not a new law: it binds those to whom it de facto becomes known, inasmuch as it determines the sense of the law, and thus the law must be observed. Or it is not purely such, that is, it somewhat changes the received sense of the law; and then, since at least in part it is a new law, it needs promulgation.

> *Interpretatio authentica seu cum authoritate prolata, ea est qua ab ipso legislatore datur, vel ab ejus successore aut superiore. An vero hujusmodi interpretatio promulgari debeat, ut obliget? Distinguendum est. Vel est pure talis, seu est mera declaratio, et promulgatio non requiritur, cum non sit lex nova: obligat eos quibus de facto innotescit, in quantum sensum legis determinat, et ita lex observari debet. Vel non est pure talis, id est sensum legis receptum aliqualiter mutat, et tunc cum, saltem ex parte, sit nova lex, promulgatione indiget.*

4 Usual interpretation is sought from custom, whereby, as said in cap. Cum dilectus, Decretal. lib. I, tit. 4, de consuetudine, « it is the best interpreter of laws. » Custom interprets the law when it is at least in part according to the law, which it can also in part change; for, if it be against, it abrogates the law, and if beside [the law], it induces a new law.

> *Interpretatio usualis petitur ex consuetudine, qua, ut dicitur in cap. Cum dilectus, Decretal. lib. I, tit. 4, de consuetudine, « est optima legum interpres. » Consuetudo interpretatur legem, quando est saltem ex parte secundum legem, quam ex parte etiam mutare potest; nam, si sit contra, legem abrogat, et si sit praeter, novam legem inducit.*

5 Doctrinal interpretation is made through the glosses of theologians, canonists and jurists. Of itself it has not the force of law, since it only expounds the sense of the law, and doctors have not legislative power. However, if an interpretation commonly admitted deviate more or less from the pristine sense of the law, herein it introduces new right, and under this respect becomes usual.]

> *Interpretatio doctrinalis fit per glossas theologorum, canonistarum et jurisperitorum. Per se non habet vim legis, cum sensum legis tantum exponat et doctores potestatem legislativam non habeant. Attamen, si interpretatio communiter admissa a pristino sensu legis plus minusve deviet, in hoc jus novum inducit, et sub hoc respectu fit usualis.]*

6 III. In simple interpretation of laws the proper, common and more received sense of words is to be kept unless some inconvenience follow; because by law it is presumed that the legislator spoke in this sense.

> *III. In legum interpretatione simplici servandus est sensus verborum proprius, communis et magis receptus, nisi sequatur aliquod inconveniens; quia jure praesumitur legislatorem in hoc sensu locutum fuisse.*

7 A favorable law harming no one must be amplified; an odious one restricted, according to rule of law 16 in 6°.

> *Lex favorabilis et nulli nociva, debet ampliari, odiosa restringi, juxta regulam juris 16 in 6°.*

8 In human laws argument from parity is not regularly made: because in things depending on free will there is no conclusion from parity; but the obligation of human law depends not so much upon the reason of the law as upon the free will of the legislator, which was about that case and not about

this, although similar. Otherwise in natural law, on account of the opposite reason: because its obligation is from the nature of the thing and from reason itself, which while fighting for one case fights equally for a similar one.

> *In legibus humanis non fit regulariter argumentum a pari: quia in his quae pendent a libera voluntate, non concluditur a pari; obligatio autem legis humanae non tam pendet a ratione legis, quam a libera voluntate legislatoris, quae est de illo casu, et non de isto, quamvis simili. Secus in lege naturali, propter oppositam rationem: quia obligatio illius est ex natura rei et ex ipsa ratione, quae dum militat pro uno casu, militat pariter pro simili.*

9 I said, « regularly; » because in correlatives, as husband and wife, in things equilibrated by law, as the executor and the mandator, and in those whereof one is subordinated to the other as imperfect to perfect, as eggs to flesh, with respect to him to whom permission to eat flesh is granted, argument from similitude is made.

> *Dixi, « regulariter; » quia in correlativis, ut in marito et uxore, in iis quae jure aequiparantur, ut in exsequente et mandante, et in iis quorum unum subordinatur alteri tamquam imperfectum perfecto, ut ova carnibus, respectu illius cui conceditur manducare carnes, fit argumentum a simili.*

10 IV. As to *epiikia*, it is certain that it likewise has place in human laws [1] ; because laws are enacted generally for the common utility and according to what happens in the majority of cases, nor can the legislator foresee and except all cases. Yet it often happens that something whose observance is useful to the common good in most cases is nevertheless harmful in some cases. Whence, if a case emerge in which literal observance of the law is harmful to the common good, or brings notable detriment to the observer or another in health, reputation or fortune — for this redounds against the common good — or be contrary to natural law or higher human law, or become unjust or too hard through some circumstance, then per *epiikia* it is not to be observed; because it is deservedly presumed not to have been the legislator's mind that the law oblige in these cases.

[1] Hic, g. 96, a. 6, c.

> *IV. Quantum ad* epiikiam, *certum est pariter illam habere locum in legibus humanis[1]; quia leges ad communem utilitatem feruntur generaliter et secundum ea quae in pluribus accidunt, neque legislator potest omnes casus praevidere et excipere. Contingit autem multoties quod aliquid observari sit in pluribus communi bono utile, quod tamen in aliquibus casibus sit nocivum. Unde, si emergat casus in quo observantia litteralis legis sit nociva bono communi, vel afferat notabile detrimentum observanti aut alteri in sanitate, fama aut fortuna, hoc enim redundat contra bonum commune, vel sit contraria legi naturali vel humana superiori, aut ex aliqua circumstantia fiat iniqua aut nimis dura, per* epiikiam *non est observanda; quia merito praesumitur non fuisse mentem legislatoris, ut in his casibus lex obligaret.*
>
> [1] *Hic, g. 96, a. 6, c.*

11 *You will ask* whether it be likewise lawful to use *epiikia* in laws invalidating contracts.

> Petes *an liceat pariter uti* epiikia *in legibus infirmantibus contractus.*

12 *Resp.* More probably negatively, on account of the grave inconveniences which would thence arise against public good, and which prevail over the evil, howsoever grave, of some particular person. For if it were permitted to use *epiikia* in an invalidating law, e.g., clandestine marriage, contracts of minors, or made without tabellion, concubinage and frauds would rage everywhere to the ruin of the republic. Add that a contract does not stand without the form prescribed by those laws.

Resp. *probabilius negative, propter gravia inconvenientia quae contra bonum publicum inde nascerentur, et quae praevalent malo, quantumvis gravi, alicujus particularis. Si namque liceret uti* epiikia *in lege irritante, v. g., matrimonium clandestinum, contractus minorennium, aut sine tabellione initos, concubinatus et fraudes ubique grassarentur in perniciem reipublicae. Adde quod contractus non stet sine forma quam per illas leges praescribitur.*

Appendix. On Privileges

1 *You will ask* 1° what a privilege is.

Petes *1° quid sit privilegium.*

2 *I answer.* Privilege, as to its name, is a private law, or, as others will have it, though less well founded, quasi privans lege, as it were depriving of law; but as to the thing and taken formally, it is a singular right, granted by the prince to certain persons on account of some utility, of doing or not performing something, against or beyond the law.

Resp. *Privilegium, quoad nomen, est lex privata, seu, ut alii volunt, sed minus fundate, quasi privans lege; quoad rem vero et formaliter sumptum, est jus singulare, ob aliquam utilitatem a principe aliquibus concessum, agendi vel non praestandi aliquid, contra vel praeter legem.*

3 The definition is explained. It is called right, by way of genus, in which it agrees with law, since after the manner of law it obliges. It is called singular, because it is given to one or another singular person, or to a lesser community taken as a singular person, although consequently it obliges the whole community subject to the prince not to impede the privileged one in the use of his privilege. By this is also expressed the subjective cause of privilege: concerning which it must be noted that, although strictly privilege ought to be granted only to a subject of the prince, that is, to him who is such either permanently or transiently, as pilgrims, nevertheless taken widely it can be granted even to one not subject, since it is an act of mere liberality and beyond right. It is said, of doing or not performing something against or beyond the law, by which words are expressed the object or material cause of properly so-called privilege, which is an act commanded or forbidden by common right, so that with respect to the privileged person it ceases to be commanded or forbidden. It is said, on account of some utility, in which words you have the final cause; for the general end of privilege is some utility redounding to the good of the commonwealth. Finally, in the words granted by the prince is expressed not only the efficient cause, but also the extrinsic formal cause of privilege, by which, as of law, it is an act of the prince legitimately manifested; for the whole value of the privilege depends upon the will of the prince. From which it follows that he alone and every one who can make a law can also found and grant privileges.

Explicatur definitio. Dicitur jus, per modum generis, in quo convenit cum lege, cum ad instar legis obliget. Dicitur singulare, quia datur uni vel alteri personae singulari, aut communitati minori tamquam personae singulari sumptae, licet ex consequenti obliget totam communitatem principi subjectam ne privilegiatum in usu privilegii impediat. Quo exprimitur etiam causa subjectiva privilegii: super quo notandum quod, quamvis stricte privilegium nonnisi principis subdito concedi debeat, id est, ei qui talis est vel permanenter vel transeunter, ut sunt peregrini, attamen late sumptum, etiam non subdito concedi potest, cum sit actus merae liberalitatis et praeter jus. Dicitur, agendi vel non praestandi aliquid contra vel praeter legem, quibus verbis exprimitur objectum seu causa materialis privilegii proprie talis, quae est actus jure communi praeceptus, vel prohibitus, ita ut respectu privilegiati desinat esse praeceptus vel prohibitus. Dicitur, ob aliquam utilitatem, in quibus verbis habes causam finalem; finis enim generalis privilegii est aliqua utilitas redundans in bonum reipublicae. Tandem in verbis a principe concessum exprimitur, non solum causa efficiens, sed etiam causa

formalis extrinseca privilegii, qua, sicut legis, est actus principis legitime manifestatus; totus enim privilegii valor a principis voluntate pendet. Ex quibus sequitur quod is solus et omnis qui potest ferre legem, possit etiam privilegia condere et concedere.

4 *You will ask* 2° in what privilege differs from dispensation.

Petes 2° *in quo privilegium a dispensatione differat.*

5 *I answer.* To differ in this, that dispensation indeed relaxes the common right, but without duration and stability, or for a single act only, e.g., to receive order, or is mostly granted limitatively for some acts. On the contrary, privilege is indulged with some stability and perpetuity, and for many acts not limitatively.

Resp. *differre in eo quod dispensatio relaxet quidem jus commune, sed absque duratione et stabilitate, vel ad unum dumtaxat actum, v. g., ad ordinem suscipiendum, vel limitative ad aliquos actus, plerumque tribuatur. E contra, privilegium cum aliqua stabilitate et perpetuitate, atque ad plures actus non limitative, indulgetur.*

6 *You will ask* 3° how manyfold privilege is.

Petes 3° *quotuplex sit privilegium.*

7 *I answer.* Privilege is divided many ways: 1° Into affirmative, by force of which it is lawful to do something not permitted by common right, as to celebrate in pontificals; and negative, from which it is lawful to omit what by right one ought to do, as not to pay certain taxes. 2° Into personal, which is granted directly and immediately in view of the individual person, and coheres with him; and real, which is directly and immediately attached to a thing, or indulged to a person with respect to a thing, e.g., an office, dignity, and thence coheres with the thing, and all who hold the office or dignity may enjoy it. Certain add mixed, which is partly personal and partly real, and is granted to persons with the addition of place. Privilege is personal when the words of concession are directed to the person, with expression of his own name, e.g.: « To thee Peter, archbishop of Paris, we grant, etc. » It is real if the words be directed to the person with expression of the thing or dignity, e.g.: « To the bishop of Autun we grant the use of the pallium. » 3° Into gratuitous, which is indulged from mere liberality, without singular merit; and remuneratory, which is bestowed as reward and compensation of signal merits. This latter is personal by its nature; nothing however stands against its being extended and communicated to sons, grandsons, and the whole family, if the paternal and ancestral merits be so many and so great that it be fitting that such honor become hereditary, and so be perpetuated. 4° Into pure, which is granted without reciprocal obligation; and conventional, which is conferred with pact and obligation of doing something; yet this does not seem to be comprehended under the name of privilege in odious matter, because onerous conventions are not rightly drawn to gracious matter. 5° Into common, which per se regards the good of the community, and consequently derives into individuals, as the privilege of forum and canon; sometimes it belongs, as to use only, to the community as such, as the privilege of free election; sometimes to individual members, as many privileges of religious; and into private privilege, which per se regards the convenience of one or another person, yet verges consequently into the common good, as the privilege of restitution in integrum. 6° Into privilege closed in the body of law, which is inserted among other laws, and puts on the nature of law and is favorable; and that which is granted by special rescript, and is held somewhat odious to others, receives therefore a stricter interpretation, and has against it a presumption of law. 7° Into singular, or granted in singular form with special clauses, e.g., « motu proprio, ex certa

scientia, ex plenitudine potestatis, » and vulgar, or at the prayers of the privileged one, without the aforesaid clauses. The first is favorable, nor can it be accused of obreption or subreption, with which the second can labor, since there is always subunderstood in it the condition, « if the prayers rest upon truth. » 8° Into written, which is granted through the rescript of the prince; and unwritten, which is granted orally, or, as is said, by oracle of living voice. 9° One kind is given for the forum of conscience, and is not acknowledged in the contentious forum; another for the external forum, and profits even in public judgments. 10° Finally, one is absolute, which is favorable only to the privileged person; and another respective, which favors the privileged one in such wise that at the same time it verges to the burden of others.

> Resp. *Multipliciter dividitur privilegium: 1° In affirmativum, vi cujus aliquid facere licet jure communi non permissum, ut celebrare in pontificalibus, et in negativum, ex quo omittere licet quod de jure aliquis facere deberet, ut quasdam taxas non solvere. 2° In personale, quod directe et immediate conceditur intuitu individuae personae, eique cohaeret, et in reale, quod directe et immediate adnectitur rei, seu indulgetur personae cum respectu ad rem, v. g., ad officium, dignitatem, indeque cohaeret rei et eo frui licet omnibus qui officium seu dignitatem possident. Quidam addunt mistum, quod est partim personale et partim reale, et conceditur personis cum adjectione loci. Privilegium est personale, quando verba concessionis diriguntur ad personam, cum expressione nominis ipsius, v. g.: « Tibi Petro, archiepiscopo Parisiensi, concedimus, etc. » Est reale, si verba dirigantur ad personam cum expressione rei vel dignitatis, v. g.: « Episcopo Augustodunensi concedimus usum pallii. » 3° In gratuitum, quod ex mera liberalitate, citra meritum singulare, indulgetur, et in remuneratorium, quod in praemium et compensationem insignium meritorum impertitur. Hoc posterius est ex natura sua personale; nihil tamen obstat quominus ad filios, nepotes totamque familiam extendi et communicari valeat, si tot et tanta sint merita paterna et avita, ut conveniens sit talem honorem haereditarium fieri, et sic perpetuari. 4° In purum, quod sine reciproca obligatione conceditur, et in conventionale, quod confertur cum pacto et obligatione aliquid faciendi; quod tamen in materia odiosa non videtur comprehendi nomine privilegii, quia conventiones onerosae non recte trahuntur ad materiam gratiosam. 5° In commune, quod per se respicit bonum communitatis, et consequenter in singulos derivatur, ut privilegium fori et canonis; quandoque competit, quoad usum tantum, communitati, qua talis est, ut privilegium liberae electionis, quandoque singulis membris, ut multa privilegia religiosorum; et in privilegium privatum, quod respicit per se commodum unius vel alterius personae, vergit tamen ex consequenti in bonum commune, ut privilegium restitutionis in integrum. 6° In privilegium clausum in corpore juris, quod inter alias leges est insertum, et induit naturam legis et est favorabile, et in illud quod speciali rescripto conceditur, et censetur aliquatenus odiosum aliis, recipit proinde strictiorem interpretationem, et habet contra se juris praesumptionem. 7° In singulare seu concessum in forma singulari cum specialibus clausulis, v. g., « motu proprio, ex certa scientia, ex plenitudine potestatis, » et in vulgare, seu ad preces privilegiati, sine praedictis clausulis. Primum est favorabile, nec potest argui de obreptione aut subreptione, quibus laborare potest secundum, cum semper in hoc subintelligatur conditio, « si preces veritate nitantur. » 8° In scriptum, quod per principis rescriptum conceditur, et in non scriptum, quod conceditur oretenus, seu, ut dicitur, vivae vocis oraculo. 9° Aliud datur pro foro conscientiae, et in foro contentioso non agnoscitur, aliud pro foro externo, et etiam in publicis judiciis prodest. 10° Tandem aliud est absolutum, quod non est nisi personae privilegiatae favorabile, et aliud respectivum, quod ita privilegiato favet, ut simul in aliorum gravamen vergat.*

8 *You will ask* 4° in how many ways privilege is acquired.

> Petes *4° quot modis privilegium acquiratur.*

9 *I answer.* Privilege is commonly said to be acquired four ways: by custom, prescription, concession, and communication. But since custom and prescription are not so much [motes, because he who is protected by custom or prescription obtains that right which another holds adorned with privilege], hence the modes of acquiring privileges are reduced to concession and communication. Concession

of privilege is its original collation made by the legislator who made the law from which the exemption is indulged, or by his successor or superior. Communication is the extension of a privilege from one subject to another. It takes place simply, or with peculiar clauses added. If it take place simply, it gives the faculty of exercising all privileges granted to the subject from whom or in view of whom they are communicated, unless they be plainly singular, wont to be more rarely granted, or prohibited from being communicated. But if it take place with clauses added, according to their diversity there is diverse communication. For it takes place one way relatively and ad instar, that is indirectly, accessorily, as many privileges indulted to religious are communicated to nuns, to their familiars, physicians, advocates, etc.; and communicated in that way, they are diminished and lost if the original privileges happen to be diminished or lost. Second way, absolutely or pariformiter and equally principally as if they were granted directly and specially to those to whom they are communicated; and these privileges are neither diminished nor lost, even if the original privileges happen to be diminished or lost, because they no longer depend per se on the former. That these terms must be thus taken is established from several pontifical constitutions, signally from the bull of Gregory XV *Ad uberes fructus*, where the term ad instar is opposed to the term pariformiter, and from the bull of Clement XIV *Supremi apostolatus*, where the same term is opposed to the term principaliter.

> Resp. *Privilegium vulgo dicitur acquiri quatuor modis: consuetudine, praescriptione, concessione et communicatione. Quia vero consuetudo et praescriptio non tam sunt [mota, quia qui consuetudine vel praescriptione munitus est, id juris consequitur quod habet alius privilegio condecoratus], hinc modi privilegia acquirendi reducuntur ad concessionem et communicationem. Concessio privilegii est illius originaria collatio facta a legislatore qui legem a qua exemptio indulgetur tulit, vel ab ejus successore aut superiore. Communicatio est extensio privilegii ab uno subjecto ad aliud. Fit simpliciter, vel adjectis peculiaribus clausulis. Si fiat simpliciter, dat facultatem exercendi omnia privilegia concessa subjecto a quo vel intuitu cujus communicantur, nisi sint plane singularia, rarius concedi solita, vel communicari prohibita. Si autem fiat cum adjectis clausulis, pro earum diversitate diversa est communicatio. Fit enim uno modo relative et ad instar, id est indirecte, accessorie, sicut multa privilegia regularibus indulta communicantur monialibus, illorum familiaribus, medicis, advocatis, etc.; et eo modo communicata, minuuntur et amittuntur, si pristina privilegia minui vel amitti contingat. Secundo modo, absolute aut pariformiter et aeque principaliter ac si directe et specialiter concederentur his quibus communicantur, et haec privilegia nec minuuntur nec amittuntur, etiamsi originaria privilegia contingat minui vel amitti, quia a prioribus jam per se non dependent. Ita hos terminos sumi debere constat ex pluribus pontificiis constitutionibus, signanter ex bulla Gregorii XV* Ad uberes fructus*, ubi terminus ad instar opponitur termino pariformiter, et ex bulla Clementis XIV* Supremi apostolatus*, ubi idem terminus termino principaliter opponitur.*

10 *You will ask* 5° what are the effects of privilege.

> Petes *5° qui sint effectus privilegii.*

11 *I answer.* 1° It confers on the privileged one the right of using his privilege according to its tenor and right interpretation, and imposes on others the obligation of not impeding the use of the privilege. But the privileged one must observe the place, time, mode, and other conditions expressed in the concession. But if place and time were not expressed, nor the subject matter persuade otherwise, the grace granted extends to every time, and equally to the whole territory of the granter: nay, if the grace remove only an incapacity, or permit an act prohibited by no special right of the place, the use of it is licit even outside the territory of the granter, as to read prohibited books everywhere, to celebrate before dawn, etc. 2° The privileged one is not bound to use his privilege, because favor cannot pass into burden; unless perchance there arise from it per accidens an

obligation which he must personally satisfy, as hearing Mass on Sunday during the time of interdict, or an obligation toward another to be fulfilled, e.g., a confessor who obtained the faculty of absolving from reserved cases, after having heard confession, is bound to use it. But if the privilege be public from its end, e.g., privilege of forum, he may not renounce it, because public order does not suffer it. 3° In the concurrence of two privileges, several things are to be discerned. If the privileges be respective and opposed concerning the same object, the special prevails over the general, because species derogates from genus, from rule 34 of Law in 6°. But if each be equally general or special, the stronger prevails, that is, the older or granted by greater power. If the privileges apparently contradict one another only, the more absolute prevails, while the other yields to it as tacitly conditioned: thus a church exempted from paying tithes enjoys its privilege against the church to which the right of exacting tithes from all churches was granted by privilege. If from the very law the privilege have prelation, it prevails over the other.

> Resp. *1° Confert privilegiato jus utendi privilegio suo secundum tenorem et rectam interpretationem illius, et aliis imponit obligationem non impediendi usum privilegii. Debet autem privilegiatus observare locum, tempus, modum et alias conditiones in concessione expressas. Si vero locus et tempus non fuerint expressa, neque subjecta materia aliud suadeat, gratia concessa porrigitur ad omne tempus, et pariter ad totum territorium concedentis: imo, si gratia tollat solum inhabilitatem, vel permittat actum nullo speciali jure loci prohibitum, licitus est usus illius etiam extra territorium concedentis, ut ubique legere libros prohibitos, celebrare ante auroram, etc. 2° Privilegiatus non tenetur privilegio suo uti, quia favor non potest in onus transire; nisi per accidens inde oriatur obligatio cui personaliter satisfacere debet, ut auditio missae die dominica per tempus interdicti, vel obligatio erga alterum implenda, v. g., confessarius qui obtinuit facultatem absolvendi a casibus reservatis, post auditam confessionem ea uti, tenetur. At, si privilegium sit ex suo fine publicum, v. g., privilegium fori, non licet ei renuntiare, quia ordo publicus id non patitur. 3° In concursu duorum privilegiorum, plura sunt discernenda. Si privilegia sint respectiva et circa idem opposita, speciale praevalet generali, quia species derogat generi, ex regula juris 34 in 6°. Si vero utrumque sit aeque generale vel speciale, quod est fortius praevalet, hoc est antiquius vel a majori potestate concessum. Si privilegia apparenter tantum sibi contradicant, praevalet magis absolutum, alterum vero ei cedit, quasi tacite conditionatum: sic ecclesia a decimis solvendis exempta, suo privilegio fruitur contra ecclesiam cui jus exigendi decimas ab omnibus ecclesiis fuit per privilegium collatum. Si ab ipso jure privilegium praelationem habeat, alteri praevalet.*

12 *You will ask* 6° how it be lawful to use a privilege by way of interpretation.

> Petes *6° quomodo liceat uti privilegio per viam interpretationis.*

13 *I answer.* 1° Not at arbitrement, but according to the rules commonly received from doctors, so that the words of concession, as far as the matter suffers, be understood properly and generally as they sound. Odious privileges, that is, adverse to common right or to a right acquired by a third party, are restricted; merely favorable ones, as a benefit of the prince, must be taken most widely; personal ones are limited to the person, real ones extend even to successors. In doubt, a favorable privilege is held real, as also conventional follows from the pact, whose nature it follows. But a prejudicial privilege is held personal, as also remuneratory, although this frequently, on account of the merits of ancestors, is real. 2° Privileges admit comprehensive interpretation; for the person not expressed in the privilege, for whom nevertheless the identity of reason militates entirely, seems contained in it virtually, insofar as that person was comprehended in the mind of the privileging prince: whence the privileges of male religious are common to nuns, provided the matter be accommodated to them. What is said of persons must likewise be understood of cases. Extensive interpretation is not

admitted, however, on account of parity or even greater reason, because the force of privilege arises not from reason but from the will of the prince.

> Resp. *1° Non pro arbitrio, sed juxta regulas communiter a doctoribus receptas, ut verba concessionis, quantum materia patitur, proprie et generaliter prout sonant intelligantur. Privilegia odiosa, id est juri communi aut juri quaesito terti adversa, restringuntur; mere autem favorabilia, tamquam beneficium principis, latissime sumi debent; personalia ad personam limitantur, realia etiam ad successores porriguntur. In dubio, privilegium favorabile censetur reale, uti et conventionale ex pacto, cujus naturam sequitur. At privilegium praejudiciosum censetur personale, uti etiam et remuneratorium, licet hoc frequenter, propter merita antecessorum, sit reale. 2° Privilegia admittunt interpretationem comprehensivam; persona enim quae in privilegio non exprimitur, pro qua tamen militat omnimode identitas rationis, videtur in eo virtualiter contenta, quatenus ista persona in mente principis privilegiantis fuit comprehensa: unde privilegia virorum regularium sunt communia monialibus, dummodo materia sit eis accommodata. Quod dicitur de personis, de casibus est pariter intelligendum. Non admittitur tamen interpretatio extensiva ob paritatem aut etiam majoritatem rationis, quia vis privilegii non oritur ex ratione, sed ex voluntate principis.*

14 *You will ask* 7° in how many ways privilege is lost.

> Petes *7° quot modis amittatur privilegium.*

15 *I answer.* It is lost in several ways: 1° By the death of the subject in which it inheres. Thus personal perishes with the person perishing, real with the thing wholly perishing, as if a church be destroyed without hope of rebuilding, unless the privilege inhere in the pavement or place itself, or the community translated elsewhere draws the privilege with it. 2° By the cause ceasing. Further, the cause ceases contrarily or negatively: contrarily, when the use of the privilege, on account of the change of circumstances, becomes unjust, in which case the privilege is lost; negatively, if the use of the privilege do not become unjust, but the sole reason of granting no longer subsist, and then the privilege is not lost: thus the privilege of the right of tithing granted to religious on account of poverty does not expire, even if with progress of time the monastery obtain fat revenues. 3° By lapse of time for which the privilege was obtained, or by not keeping the condition under which it was granted. 4° By free renunciation, if the privilege be not common, as was said. 5° By non-use, or contrary use, only those privileges perish which contain the burden of a third party. If this happen through tacit renunciation, so much time is required as suffices to induce the presumption that someone abdicated himself of the privilege; but if this be done through prescription, the times and other requisites for prescribing legitimately must be observed. 6° By abuse, because he deserves to be deprived of the privilege who abuses it, either extending its limits, or taking from it occasion of sinning more freely, or acting against the end of the privilege. Yet this loss, except in the case where one acts against the end of the privilege, is not induced ipso jure, but, being penal, presupposes the sentence of a judge. 7° By revocation. The prince alone, or his successor or superior, can revoke privileges. For licit revocation, not truly for valid, is required a reasonable cause; and if the privilege be onerous, without violation of commutative justice it cannot be revoked for any other cause than necessity or public utility. Revocation takes place either expressly, while the prince removes the granted privilege by open words; or tacitly, when he posits a contrary act, or brings a law opposed to the privilege. Further, revocation through universal law does not obtain its effect unless the law have been sufficiently promulgated; likewise through a general clause, « notwithstanding any privileges whatsoever, » privileges fortified with special clauses are not revoked, by force of which they cannot be revoked unless special mention be made of them, since the general clause does not contradict

special clauses. But if revocation be made specially, then it obtains its effect, when duly intimated to the privileged one. Moreover, as special privilege derogates from general, a posterior contrary law derogates from the prior privilege closed in the body of common law, because the prince is not held ignorant of this; but not from privileges wandering outside common law, unless mention be made also of these, because these the superior probably ignores.

> Resp. *Pluribus modis amittitur: 1° Interitu subjecti cui inhaeret. Sic personale perit pereunte persona, reale pereunte re totaliter, ut si destruatur ecclesia sine spe reaedificationis, nisi privilegium inhaereat pavimento seu loco ipsi, vel communitati qua alio translata trahit secum privilegium. 2° Cessante causa. Porro causa cessat vel contrarie vel negative: contrarie, cum usus privilegii, propter mutationem circumstantiarum, evadit injustus, quo casu privilegium amittitur; negative, si usus privilegii non evadat injustus, sed sola concedendi ratio non amplius subsistat, et tunc privilegium non amittitur: sic privilegium juris decimandi ob inopiam concessum regularibus, non expirat, etiamsi progressu temporis pingues redditus monasterium obtinuerit. 3° Lapsu temporis pro quo privilegium fuit obtentum, vel non servata conditione sub qua fuit concessum. 4° Libera renuntiatione, si privilegium non sit commune, ut dictum est. 5° Non usu, vel usu contrario pereunt tantum illa privilegia quae gravamen tertii continent. Si hoc eveniat per tacitam renuntiationem, tantum tempus requiritur quantum sufficit ad inducendam presumptionem quod quis privilegio se abdicavit; si vero hoc fiat per praescriptionem, servanda sunt tempora et caetera requisita ad legitime praescribendum. 6° Abusu, quia meretur privilegio privari qui eo abutitur, vel ejus fines extendendo, vel ex illo sumendo occasionem liberius peccandi, vel contra privilegii finem agendo. Haec tamen amissio, extra casum quo contra finem privilegii agitur, non inducitur ipso jure, sed, tamquam poenalis, judicis sententiam praerequirit. 7° Revocatione. Solus princeps, vel ejus successor aut superior, potest revocare privilegia. Ad licitam revocationem, non vero ad validam, requiritur causa rationabilis, et si privilegium sit onerosum, citra justitiae commutativae violationem nequit ex alia causa quam necessitatis aut utilitatis publicae revocari. Fit autem revocatio vel expresse, dum princeps per verba aperta privilegium concessum aufert; vel tacite, cum ponit actum contrarium, aut fert legem oppositam privilegio. Porro revocatio per legem universalem non sortitur suum effectum, nisi lex fuerit sufficienter promulgata; item per clausulam generalem, « non obstantibus quibuscumque privilegiis, » non revocantur privilegia specialibus munita clausulis vi quarum revocari non possunt nisi de illis specialis mentio fiat, cum clausula generalis non contradicat clausulis specialibus. Si autem fiat revocatio specialis, tunc sortitur suum effectum, cum privilegiato debite intimata fuerit. Caeterum, sicut privilegium speciale derogat generali, lex contraria posterior derogat anteriori privilegio clauso in corpore juris communis, quia hoc princeps non censetur ignorare, non vero privilegiis extra jus commune vagantibus, nisi et horum mentio fiat, quia haec probabiliter superior ignorat.*

16 Let these things suffice concerning privileges in common. Most usefully is read the appendix on Privileges placed at the end of the Theologia moralis of St. Alph. de Ligorio, where, the general principles being exposed, many things are treated concerning privileges in particular.]

> *Haec de privilegiis in communi sufficiant. Utilissime legitur appendix de Privilegiis ad calcem Theologiae moralis S. Alph. de Ligorio posita, ubi, principiis generalibus expositis, multa de privilegiis in specie tractantur.]*

On Grace

Preambles on the Various Errors concerning Grace

1 *St. Thomas,* I[a] II[ae], from q. 109 to q. 114.

> D. Thomas, *I[a] II[ae], a q. 109 ad q. 114.*

2 [Concerning grace there have come forth errors extremely opposed. Some denied grace, lest they injure liberty. Others rejected free will, that they might establish grace.

> *[Circa gratiam prodierunt errores extreme oppositi. Quidam negaverunt gratiam, ne laederent libertatem. Alii liberum arbitrium respuerunt, ut adstruerent gratiam.*

3 Pelagius, a Briton by nation, whether Englishman, or Scotsman, or Irishman, about the year 405 began to spread his errors, of which he had the more celebrated patrons and assertors Coelestius, whose fatherland is unknown, and Julian, by fatherland and episcopate an Eclanensian.

> *Pelagius, natione Brito, sive Anglus, sive Scotus, sive Hibernus, circa annum 405 errores suos spargere coepit, quorum celebriores patronos et assertores habuit Coelessum, cujus patria ignoratur, et Julianum, patria et episcopatu Eclanensem.*

4 The Pelagians said at first that man has from God only possibility or faculty of good, but from himself alone the use or will and action of this possibility. Nevertheless, pressed by the arguments of Catholics, beyond free will, external law and doctrine, they seem afterwards to have admitted something of interior grace, not only illuminating the intellect, but also adding firmness to the will: and this help they affirmed to be not absolutely necessary, but useful only for operating good, nor gratuitously conferred, but owed to the merits of nature. But upon three principal errors the Pelagians pertinaciously adhered. The first is, that no sin was handed down from Adam unto posterity, but that the first parent harmed us only by his own example, and therefore our nature was nowise vitiated, nor consequently is grace necessary, but it is conferred upon those living well only that they may worship God more easily and more perfectly; yet baptism is profitably conferred on infants, not that they be cleansed from sin, but that the grace bestowed thereon make them heirs of the heavenly kingdom. The second error, flowing thence, is that grace is given us according to our merits. The third is, that men, using well their free will, arrive at such perfection as to be able to avoid every sin, even original, without grace. Unto these errors are reduced others, namely: concupiscence is not evil, because it is a property of nature; the miseries of this life are not penalties of original sin; Adam, even if he had not sinned, would have died just the same; little ones dying without baptism enjoy a certain beatitude, not however that which is proper to the heavenly kingdom, and the same must be said of adult infidels who observed the natural law. All know that concerning actual grace of good will and action necessary for each act of piety, gratuitously conferred and not from the merits of nature, there was a long and bitter contest between Augustine and the Pelagians.

Pelagiani primum dicebant, hominem habere tantum a Deo possibilitatem seu facultatem boni, a seipso autem solo hujus possibilitatis usum seu voluntatem et actionem. Attamen, catholicorum argumentis pressi, praeter liberum arbitrium, legem et doctrinam exteriorem, videntur postea admisisse aliquid gratiae interioris, non solum intellectum illustrantis, sed etiam voluntati firmitatem addentis: et hoc auxilium non absolute necessarium affirmabant, sed utile tantum ad bonum operandum, neque gratuito collatum, sed naturae meritis debitum. Tribus vero praecipuis erroribus Pelagiani pertinaciter adhaesere. Primus est, nullum peccatum ab Adamo ad posteros fuisse traductum, sed protoparentem solo suo exemplo nobis nocuisse, ideoque naturam nostram nullatenus fuisse vitiatam, nec proinde gratiam esse necessariam, sed bene viventibus non conferri nisi ut facilius et perfectius Deum colant; utiliter tamen infantibus conferri baptismum, non ut a peccato mundentur, sed ut gratia ab eo collata eos coelestis regni faciat haeredes. Secundus error, ex eo fluens, est gratiam nobis secundum merita nostra dari. Tertius est, homines libero arbitrio bene utendo, ad tantam perfectionem pervenire, ut etiam absque gratia omne peccatum, etiam collective, vitare possint. Ad hos errores reducuntur alii, scilicet: concupiscentia non est mala, quia est proprietas naturae; miseriae hujus vitae non sunt peccati originalis poenae; Adamus, etsi non peccasset, perinde moriturus erat; parvuli sine baptismo morientes quadam beatitudine fruuntur, non tamen ea quae regno coelesti est propria, et idem dicendum de adultis infidelibus qui legem naturalem servaverunt. Omnes norunt, de gratia actuali bonae voluntatis et actionis ad singulos pietatis actus necessaria, gratuito et non ex meritis naturae collata, longam et acrem fuisse inter Augustinum et Pelagianos concertationem.

5 The Socinians, under Faustus Socinus the Sienese leader, born in the year 1539, agree entirely with the Pelagians; following whose footsteps the rationalists have fallen into the same errors. In the system of these men, the man of paradise was nothing but a primitive type of ideal perfection, unto which the posterity of him are summoned to refer themselves, to which is added another type far more excellent in Christ Jesus. For man, by a natural principle of perfectibility, can always proceed further in attaining perfection, so that he can not only refer himself to the type, but even surpass it. The same profess that there is given no supernatural state from which man has fallen, or unto which he ought be recalled: whence man needs no grace, either to avoid evil, or to pursue good.

Sociniani, duce Fausto Socino, Senensi, anno 1539 nato, cum Pelagianis plane conveniunt, quorum vestigia sectantes rationalistae, in eosdem errores lapsi sunt. In istorum systemate, homo paradisiacus non fuit nisi typus primitivus idealis perfectionis, ad quem in se referendum ejus posteri provocantur, cui additus est alius typus longe praestantior in Christo Jesu. Homo quippe, ex principio naturali perfectibilitatis, semper potest in perfectione adipiscenda ulterius progredi, ita ut non solum typum referre, sed etiam ipsum superare valeat. Iidem profitentur nullum dari statum supernaturalem, ex quo homo exciderit, aut ad quem revocari debeat: unde nulla homini opus est gratia, sive ad malum vitandum, sive ad bonum prosequendum.

6 The Semi-Pelagians, among whom the most celebrated was Joannes Cassianus, were thus called because, departing from Pelagius in some things, in others they adhered to him. They admitted original sin and the necessity of grace for working eternal salvation.

Semi-Pelagiani, inter quos celeberrimus fuit Joannes Cassianus, sic dicti sunt quia, in aliquibus a Pelagio recedentes, in aliis ei adhaerebat. Admittebant peccatum originale et necessitatem gratiae ad operandam salutem aeternam.

7 They denied however that predestination, whether to grace or to glory, is gratuitous, but taught that God predestined from eternity unto grace those whom he foresaw would consent to him and use it well, and unto glory those whom he foreknew would persevere in grace of themselves. Hence they denied the necessity of grace, both unto the beginning of salvation, which they placed in the affection of credulity [belief], in petition or desire of salvation, or even in the very consent bestowed to grace offered; both unto perseverance, unto which they asserted grace not required, because it lies in our

power. For the beginning of salvation and perseverance, in their sentiment, coincide in this, that when we first begin to consent to God, it is the beginning of salvation, while truly remaining in the consent bestowed even unto the end, it is perseverance. And although they often contradicted themselves, and at one time spoke as Catholics, at another as Pelagians, yet this seems to have been the final station of this heresy, namely that to consent to grace or dissent is so ours that in those who consent the consent is not from the grace of God, but from themselves; and thus they withdrew from grace the beginning of salvation and perseverance and ascribed them to free will.

Negabant tamen praedestinationem, sive ad gratiam sive ad gloriam, esse gratuitam, sed docebant Deum ab aeterno ad gratiam praedestinasse quos praevidit esse ei consensuros et bene ea usuros, et ad gloriam quos praescivit in gratia ex se perseveraturos. Hinc necessitatem gratiae denegabant, tum ad initium salutis, quod reponebant in affectu credulitatis, in petitione seu desiderio salutis, vel etiam in ipso consensu gratiae oblatae praestito; tum ad perseverantiam, ad quam asserebant non requiri gratiam, quia in nostra potestate est posita. Initium enim salutis et perseverantia, in eorum sententia, in eo coincidunt quod, cum primo incipimus Deo consentire, sit initium salutis, cum vero in consensu praestito usque in finem permanemus, est perseverantia. Et quamvis saepe sibi contradicerent, et modo loquerentur ut catholici, modo ut Pelagiani, haec tamen videtur fuisse ultima hujus haeresis statio, sic nostrum esse gratiae consentire vel dissentire, ut in iis qui consentiunt, consensus non sit a gratia Dei, sed ab ipsis, et ita initium salutis et perseverantiam subtrahebant gratiae et libero arbitrio adscribebant.

8 On the contrary indeed the innovators of the sixteenth century, Luther especially and Calvin, saying that the integrity and supernatural state of the first parent was an essential part of human nature, taught the following: 1° By original sin human nature was so vitiated in its essential part that it retained nothing sound and integral. 2° Man lost free will, so that he was destitute of every act and power, whether in intellect or in will, not only for pious motions, but for eliciting works morally honest themselves. 3° These works done without grace are so many vices and sins. 4° Grace compels man to act, so that it infers upon the human will an ineluctable necessity. Whence, according to that doctrine, man holds himself passively under grace, and does nothing toward assenting to or cooperating with that same grace. With all these things Calvin prepared for himself the way unto his chief dogma, namely that God predestined and reprobated men independently of their foreseen merits and demerits, both in execution and in intention. Predes-

E contra vero novatores saeculi XVI, Lutherus praecipue et Calvinus, dicentes protoparentum integritatem ac statum supernaturalem fuisse partem essentialem humanae naturae, sequentia docuerunt: 1° Per peccatum originale ita fodata fuit in essentiali sua parte natura humana, ut nihil sanei et integri retinuerit. 2° Amisit homo liberum arbitrium, ita ut omni actu et potentia, sive in intellectu sive in voluntate, destitutus fuerit, non solum ad pios motus, sed ad ipsa opera moraliter honesta elicenda. 3° Haec opera sine gratia peracta totidem sunt vitia et peccata. 4° Gratia hominem cogit ad agendum, ita ut humanae voluntati ineluctabilem necessitatem inferat. Unde, secundum istam doctrinam, homo passive sub gratia se habet, nihilque agit eidem gratiae assentiendo aut cooperando. His omnibus Calvinus sibi praemunivit viam ad praecipuum suum dogma, nempe Deum praedestinasse et reprobasse homines independenter ab eorum praevisis meritis et demeritis, tam in executione quam in intentione. Praedes-

Preambles on the Various States of Human Nature

1 A fivefold distinction is made of the states of human nature: the first, the state of pure nature; the second, the state of integral nature; the third, of original justice; the fourth, of fallen nature; the fifth, of repaired nature. There might be added the state of glory and the state of damnation, but there is no question of these here, because we are now considering nature only insofar as it tends, by divine

assistance, to its ultimate end. Therefore this dissertation I prefix to the treatise on Grace, because the explanation of those states contributes not a little to the knowledge of the necessity, diversity, and properties of grace, and grave difficulties are moved about them.

> *Quintuplex distinguitur natura humanae status: primus, status naturae purae; secundus, status naturae integrae; tertius, justitiae originalis; quartus, naturae lapsae; quintus, naturae reparatae. Posset adjici status gloriae et status damnationis, sed de his non est hic quaestio, quia tantum nunc naturam spectamus prout per auxilium divinum tendit ad suum ultimum finem. Itaque hanc dissertationem tractatui de Gratia pramitto, quia illorum statuum explicatio non parum conducit ad cognitionem necessitatis, diversitatis et proprietatum gratiae, moventurque circa illos graves difficultates.*

The five states of human nature explained

The state of pure nature

1 The state of pure nature implies precisely nature with its intrinsically constituting principles, and those things which follow from them or are owed to it. Hence:

> *Status naturae purae importat praecise naturam cum suis principiis intrinsece constituentibus, et iis quae ex illis sequuntur seu ei debentur. Hinc:*

2 1° Man created in a state of pure nature would be without sin, without sanctifying grace, without infused virtues and without the assists of grace of the supernatural order; because these are not owed to him from his intrinsic principles.

> *1° Homo in natura pura conditus foret sine peccato, sine gratia sanctificante, sine virtutibus infusis et sine auxiliis gratiae ordinis supernaturalis; quia haec illi non debentur ex ejus principiis intrinsecis.*

3 2° He would be subject to hunger, to tormenting thirst, to labor, to diseases, to altering passions and to death; because since the body, which is the material part of nature, is composed of contraries, which continually fight among themselves, these things follow from its intrinsic principles.

> *2° Foret obnoxius fami, siti crucianti, labori, morbis, passionibus alterantibus et morti; quia cum corpus quod est pars materialis naturae, componatur ex contrariis, quae continuo inter se pugnant, haec ex ejus principiis intrinsecis sequuntur.*

4 3° He would be subject to ignorance and concupiscence. To ignorance, because since the intellect is born by nature to acquire from the senses knowledge of intelligibles, it can easily deviate from the truth on account of phantasms. To concupiscence, because although the sensitive appetite is naturally subject to reason, yet it is not subject despotically, as the foot or hand is subject to the will, but only politically, as a citizen to the Prince, a wife to her husband; and thus it could rebel. [4]

[4] *Contra Gentiles*, c. 52.

> *3° Obnoxius foret ignorantiae et concupiscentiae. Ignorantiae, quia cum intellectus natus sit ex sensibus notitiam intelligibilium acquirere, facile propter phantasmata a vero deviare potest. Concupiscentiae, quia licet appetitus sensitivus subjiciatur naturaliter rationi, non subjicitur tamen despotice, sicut pes aut manus subjicitur voluntati, sed politice tantum, ut civis Principi, uxor viro, sicque posset rebellare.* [4]
>
> [4] Contra Gentiles, *c. 52.*

5 4° The last end, or objective beatitude of man in this state would be God as natural Author, insofar as by our mode of conceiving he is distinguished from himself as supernatural Author. Formal beatitude would be perfect conjunction with him, knowing him abstractively or through his effects, and sweetly and constantly adhering to him through love.

> *4° Finis ultimus, seu beatitudo objectiva hominis in hoc statu foret Deus ut Auctor naturalis, prout modo nostro concipiendi distinguitur a seipso, ut est Auctor supernaturalis. Beatitudo formalis foret perfecta conjunctio cum illo, ipsum cognoscendo abstractive seu per effectus, et suaviter ac constanter ei adhaerendo per amorem.*

6 5° To obtain this end by the observance of all the natural precepts and victory over rebellious concupiscence, there would be given in that state the assists of the natural order, sufficient to all, efficacious for some. Nor would even efficacious assists derogate from this state; for although they would not be owed to every individual of this nature, they would nevertheless be due to the species of nature, and God owes them to his providence, lest he should have created nature in vain for some end if no individual of it were to attain this end: just as to nature elevated to a supernatural end are owed the assists of the supernatural order, sufficient in all its individuals, efficacious in some predestined to this end.

> *5° Ad obtinendum hunc finem per observantiam omnium praeceptorum naturalium et victoriam concupiscentiae rebellantis, darentur in eo statu auxilia ordinis naturalis, sufficientia omnibus, efficacia quibusdam. Neque ista auxilia etiam efficacia huic statui derogarent, quamvis enim cuilibet hujus naturae individuo non deberentur, forent tamen debita speciei naturae, eaque suae providentiae debet Deus, ne frustra naturam ad aliquem finem condidisset, si nullum ejus individuum hunc finem assequeretur: sicut naturae elevatae ad finem supernaturalem debentur auxilia ordinis supernaturalis, sufficientia in omnibus ejus individuis, efficacia in quibusdam ad hunc finem praedestinatis.*

The state of integral nature

1 The state of integral nature consists in perfect subjection of the body to the soul and of the sensitive appetite to reason; consequently it imports immunity from ignorance, concupiscence, death, and passions altering nature. Because nature is said to be integral while between its parts there is no division or defection from its perfection, while inferiors are perfectly subjected to superiors; consequently, while the body is perfectly contained under the power of the soul, so that by no alteration or corruption does it fall short of its dominion, and the sensitive appetite holds nothing repugnant to reason. But if only one or other of these subjections existed, either of the body alone to the soul, or of the sensitive appetite alone to reason, the state of integral nature would not be perfect, but its perfection only partial.

> *Status naturae integrae consistit in perfecta subjectione corporis ad animam et appetitus sensitivi ad rationem: proindeque importat immunitatem ab ignorantia, concupiscentia, morte et passionibus naturam alterantibus. Quia natura dicitur integra, dum inter ejus partes nulla est divisio aut defectio a sua perfectione inferioraque perfecte subduntur superioribus, consequenter dum corpus perfecte continetur sub potestate animae, ita ut nulla alteratione aut corruptione ab ejus dominio deficiat, et appetitus sensitivus nihil habet rationi repugnans. Quod si esset tantum alterutra subjectio, vel solius corporis ad animam, vel solius appetitus sensitivi ad rationem, non foret perfectus status naturae integrae, sed partialis ejus perfectio.*

2 2° In that integrity of nature Adam was created: and this integrity arose in him from sanctifying grace; because, as we said from SS. Augustine and Thomas, treating of original sin, so long as the superior reason was subject to God — which subjection was held through sanctifying grace — the

body was perfectly subject to the soul and the sensitive appetite to reason; yet it was distinguished from that original grace, because they were of different order; for integrity is a form perfecting nature in the natural order, not elevating it to the supernatural order, nor constituting man adopted son of God, partaker of the divine nature and heir of the heavenly kingdom : all which sanctifying grace bestowed. Whence nothing stood in the way but that God could have created man in the state of integral nature without justice or original grace; yet because these two states were united in Adam, they are often confounded by the Fathers and theologians.

> *2° In ea naturae integritate fuit creatus Adam: et haec in illo oriebatur a gratia sanctificante, quia, ut diximus ex SS. Aug. et Th. dum de peccato originali, quamdiu ratio superior subdebatur Deo, quae subjectio habebatur per gratiam sanctificantem, corpus perfecte subdebatur animae et appetitus sensitivus rationi; ab ea tamen gratia originali distinguebatur, quia erant diversi ordinis; integritas enim est forma perficiens naturam in ordine naturali, non elevans ipsam ad ordinem supernaturalem, nec constituens hominem filium Dei adoptivum, participem divinae naturae et haeredem regni coelestis: quae omnia praestabat gratia sanctificans. Unde nihil obstabat quin potuerit Deus creare hominem in statu naturae integrae absque justitia seu gratia originali, quia tamen isti duo status in Adamo fuerunt adunati, saepe a Patribus et theologis confunduntur.*

The states of original justice, of fallen nature, and of repaired nature

[1] **§ III. — The state of original justice.**

> ***§ III. — Status justitiae originalis.***

[2] This most happy state, which by antonomasia is called the *state of innocence*, St. Thomas elegantly describes, Opusc. II, c. 185, and he constitutes it in the perfect subjection of reason to God, of the sensitive appetite to reason, and of the body to the soul: which two latter followed from the first, as has been said. [1]

[1] So does the Angelic Doctor describe this state there: « Man in his condition was so instituted by God that the body should be entirely subject to the soul, and again among the parts of the soul the lower powers should be subjected without repugnance to reason, and the very reason of man should be subject to God. From this moreover, that the body was subject to the soul, it came about that no passion could occur in the body which would be repugnant to the dominion of the soul over the body : whence neither death nor infirmity had place in man. From the subjection truly of the lower powers to reason, there was in man entire tranquillity of mind, because human reason was disturbed by no inordinate passions. From this however, that the will of man was subject to God, man referred all things to God as to the last end : in which consisted his justice and innocence. But of these three, the last was the cause of the others. For it was not from the nature of the body, if its components be considered, that in it no dissolution or whatever passion of life repugnant had place, since it was composed of contrary elements. Similarly also it was not from the nature of the soul that even the sensible powers were subjected without repugnance to reason, since the sensible powers are naturally moved toward those things that are delectable according to sense, which often are repugnant to right reason. This therefore was from a superior power, namely of God, who as he joined the rational soul to the body, transcending all proportion of the body and bodily powers, such as are the sensible powers, so he gave to the rational soul such a power that above the condition of the body it could contain itself and the sensible powers, as befitted the rational soul. In order therefore that reason might firmly contain under itself the inferior things, it behoved that it be firmly contained under God, from whom it had the aforesaid power above the condition of nature. Man therefore was so instituted that unless his reason were withdrawn from God, neither could his body be withdrawn from the nod of the soul, nor the sensible powers from the rectitude of reason : whence his was a certain immortal and impassible life, because namely he could neither die nor suffer if he did not sin. He could sin truly, his will not yet confirmed through the attainment of the last end; and under this event he could die and suffer. And herein differs the impassibility and immortality which the first man had from that which the saints will have in the resurrection, who will never be able either to suffer or to die, their will

entirely confirmed in God, as has been said above. It differed also as regards another thing, because after the resurrection men will use neither foods nor venery ; but the first man was so constituted that he had need to sustain life with foods, and it devolved upon him to give attention to generation, that the human race might be multiplied from one. » *Compendium theologiae*, chapter 185. — 1. 1ª p., q. 95, a. 1, o.

Hunc felicissimum statum, qui per antonomasiam vocatur status innocentiae*, eleganter describit S. Thomas, Opusc. II, c. 185, eumque constituit in perfecta subjectione rationis ad Deum, appetitus sensitivi ad rationem, et corporis ad animam : quae duo ultima sequebantur ex primo, ut dictum est.* [1]

[1] *Sic hunc statum describit ibi Angelicus : « Homo in sui conditione taliter institutus fuit a Deo, ut corpus omnino esset anima subjectum, rursumque inter partes animae, inferiores vires rationi absque repugnantia subjicerentur, et ipsa ratio hominis esset Deo subjecta. Ex hoc autem quod corpus erat animae subjectum, contingebat quod nulla passio in corpore posset accidere quae dominio animae super corpus repugnaret : unde nec mors nec infirmitas in homine locum habebat. Ex subjectione vero inferiorum virium ad rationem, erat in homine omnimoda mentis tranquillitas, quia ratio humana nullis inordinatis passionibus turbabatur. Ex hoc vero quod voluntas hominis erat Deo subjecta, homo referebat omnia in Deum sicut in ultimum finem : in quo ejus justitia et innocentia consistebat. Horum autem trium, ultimum erat causa aliorum. Non enim hoc erat ex natura corporis, si ejus componentia considerentur, quod in eo dissolutio sive quaecumque passio vitae repugnans locum non haberet, cum esset ex contrariis elementis compositum. Similiter etiam non erat ex natura anima, quod vires etiam sensibiles absque repugnantia rationi subjicerentur, cum vires sensibiles naturaliter moveantur in ea quae sunt delectabilia secundum sensum, quae multoties rectae rationi repugnant. Erat igitur hoc ex virtute superiori, scilicet Dei, qui sicut animam rationalem corpori conjunxit, omnem proportionem corporis et corporearum virtutum, cujusmodi sunt vires sensibiles, transcendentem, ita dedit animae rationali virtutem, ut supra conditionem corporis ipsum continere posset et vires sensibiles, secundum quod rationali animae competebat. Ut igitur ratio inferiora sub se firmiter contineret, oportebat quod ipsa firmiter sub Deo contineretur, a quo virtutem praedictam habebat supra conditionem naturae. Fuit ergo homo sic institutus ut nisi ratio ejus subduceretur a Deo, neque corpus ejus subduci poterat a nutu animae, neque vires sensibiles a rectitudine rationis: unde quaedam immortalis vita et impassibilis erat, quia scilicet nec mori nec pati poterat, si non peccaret. Peccare vero poterat, voluntate ejus nondum confirmata per adeptionem ultimi finis, et sub hoc eventu poterat mori et pati. Et in hoc differt impassibilitas et immortalitas quam primus homo habuit, ab ea quam in resurrectione sancti habebunt, qui nunquam poterunt nec pati nec mori, voluntate eorum omnino confirmata in Deum, sicut supra dictum est. Differebat etiam quoad aliud, quia post resurrectionem homines nec cibis nec venereis utentur; primus autem homo sic conditus fuit, ut necesse haberet vitam cibis sustentare, et ei incumberet generationi operam dare, ut genus humanum multiplicaretur ex uno. »* Compendium theologiae*, cap. 185. — 1. 1ª p., q. 95, a. 1, o.*

[3] Hence it follows 1° that Adam, who, as theologians now commonly hold, as has been said, was created in that state, or at least, according to some, was constituted immediately after creation, had all the infused virtues, both theological and moral, and the gifts of the Holy Spirit, because all these follow sanctifying grace as its properties or appurtenances.

Hinc sequitur 1° quod Adam qui, ut communiter nunc tenent theologi, sicut dictum est, fuit in eo statu creatus, aut saltem, juxta quosdam, statim post creationem constitutus, habuerit omnes virtutes infusas, tam theologicas quam morales, et dona Spiritus sancti, quia haec omnia sequuntur gratiam sanctificantem, ut ejus proprietates seu appendices.

[4] It follows 2° that he was immune from hunger and tormenting thirst, from sadness and pains, from the alterative passions, from disease, death and concupiscence, namely from the gift of integrity following upon original justice, as has been said.

Sequitur 2° ipsum fuisse immunem a fame et siti cruciante, a tristitia et doloribus, a passionibus alterantibus, a morbo, morte et concupiscentia, ex dono scilicet integritatis secuto ad justitiam originalem, ut dictum est.

[5] It follows 3° that in him there was the fullness of knowledge of natural and supernatural things, as much as the dignity and office of teacher and ruler of posterity required; for Adam was constituted head of the human race, not only as regards grace, but also as regards instruction and governance. Which reason not running for posterity, these would neither be born, as he himself was created, in perfect age, nor have this fullness of knowledge, but would easily acquire it.

Sequitur 3° in eo fuisse plenitudinem scientiae rerum naturalium et supernaturalium, quantum exigebat dignitas et officium praeceptoris et rectoris posterorum; erat enim constitutus Adam caput generis humani, non solum quantum ad gratiam, sed etiam quantum ad instructionem et gubernationem. Quae ratio cum non curreret pro posteris, hi nec nascerentur, ut ipse creatus fuit, in perfecta aetate, nec hanc scientiae plenitudinem haberent, sed facile acquirerent.

6 *You will ask* whether this sanctifying grace of the state of innocent nature was of the same rationale and species with the sanctifying grace of this state of fallen nature.

Petes *utrum haec gratia sanctificans status naturae innocentis fuerit ejusdem rationis et speciei cum gratia sanctificante hujus status naturae lapsae.*

7 *I answer.* That it was the same in species as regards substance, because the formal effect of both graces is the same, namely to constitute man pleasing to God, his adopted son, friend and heir of the heavenly kingdom; but the rationale of the form is discerned from its formal effect, since it is itself the very form communicated. It was, however, diverse as regards the mode of communicating itself to the subject, because the grace of original justice communicated to man more secondary effects, as we have explained, which now it does not communicate.

Resp. *fuisse eamdem specie quoad substantiam, quia idem est formalis effectus utriusque gratiae, scilicet constituere hominem Deo gratum, filium ejus adoptivum, amicum et haeredem regni coelestis; ratio autem formae dignoscitur ex ejus effectu formali, cum ipse sit ipsa forma communicata. Fuit tamen diversa quoad modum sese communicandi subjecto, quia gratia justitiae originalis communicabat homini plures effectus secundarios, ut exposuimus, quos nunc non communicat.*

8 Concerning the state of fallen nature I have said many things when treating of original sin, namely that human nature was stripped by the sin of Adam of sanctifying grace, of the virtues annexed to it and of the gift of integrity, impassibility, immortality and exemption from ignorance and concupiscence; nor was it stripped only of those gratuitous gifts, but was wounded also in its naturals, and that its wounds are four, namely ignorance in the intellect, malice in the will, concupiscence in the concupiscible appetite, infirmity in the irascible. Concerning which again below.

De statu naturae lapsae plura dixi dum de peccato originali, nempe naturam humanam per peccatum Adae spoliatam fuisse gratia sanctificante, virtutibus ei annexis et dono integritatis, impassibilitate, immortalitate et exemptione ab ignorantia et concupiscentia; neque solum his donis gratuitis fuisse spoliatam, sed etiam in naturalibus fuisse vulneratam, et quatuor esse ejus vulnera, scilicet ignorantiam in intellectu, malitiam in voluntate, concupiscentiam in appetitu concupiscibili, infirmitatem in irascibili. De quo iterum infra.

9 This state is called in the Scriptures redemption and liberation, namely from the captivity of the devil and of sin; it is called resurrection and vivification, healing, reconciliation and renovation. Which expressions suppose a general ruin of human nature. This state agrees with the state of innocence in this, that both tend to the same term, namely supernatural beatitude, and that in both sanctifying grace is the principle of merit, the same as regards substance, as we have said.

Hic status dicitur in Scripturis, redemptio et liberatio, scilicet a captivitate diaboli et peccati; dicitur resuscitatio et vivificatio, sanatio, reconciliatio et renovatio. Quae expressiones supponunt generalem naturae humanae ruinam. Convenit iste status cum statu innocentiae, in hoc quod uterque tendat ad eumdem terminum, scilicet beatitudinem supernaturalem, et quod in utroque principium meriti sit gratia sanctificans, eadem quoad substantiam, ut diximus.

10 But they differ by several other titles. 1° The end of the state of innocence was the manifestation of divine liberality ; but the state of repaired nature, the manifestation of mercy. 2° God was the efficient cause immediately of the state of innocence, mediately through Christ of the state of repaired nature. 3° The subject of the state of innocent nature was innocent nature, having indeed no right to the gratuitous gifts of that state, but having nothing repugnant to them ; but the subject of repaired nature is nature infected by sin, unworthy of whatever grace. Whence in the former state [nature] was only to be adorned with gratuitous gifts ; in the other first healed, then adorned. 4° The grace of the state of innocence conferred the gift of integrity, which the grace of repaired nature does not confer.

> *Sed pluribus aliis titulis differunt. 1° Finis status innocentiae fuit manifestatio liberalitatis divinae; status autem naturae reparatae manifestatio misericordiae. 2° Deus fuit causa efficiens immediate status innocentiae, mediate per Christum status naturae reparatae. 3° Subjectum status naturae innocentis erat natura innocens, non habens quidem jus ad dona gratuita istius status, sed nihil habens quod illi repugnaret; subjectum autem naturae reparatae est natura peccato infecta, quavis gratia indigna. Unde in priori statu erat tantum donis gratuitis exornanda ; in altero prius sananda, deinde exornanda. 4° Gratia status innocentiae conferebat donum integritatis, quod non confert gratia naturae reparatae.*

11 Around these states, therefore, there occur three most grave difficulties agitated in the schools with great contention : the first, whether the state of pure nature is possible ; the second, whether man in the state of fallen nature has lesser powers unto good than he would have had in the state of pure nature ; the third, whether man in the state of innocence needed efficacious grace, or grace whereby, to do good and persevere in it. These three questions we shall discuss in the three following articles. Wherefore let there be

> *Circa hos igitur status occurrunt tres gravissimae difficultates in scholis magna contentione agitatae : prima, utrum status naturae purae sit possibilis; secunda, utrum homo in statu naturae lapsae habeat minores vires ad bonum, quam habuisset in statu naturae purae ; tertia, an homo in statu innocentiae indiguerit auxilio efficaci seu auxilio quo, ad faciendum bonum et in eo perseverandum. Has tres quaestiones tribus articulis sequentibus discutiemus. Unde sit*

Whether the state of pure nature was possible?

1 **I say** : It was simply possible for God to create man in the state of pure nature, namely without sin and without grace and the gift of integrity, subject to death, ignorance and concupiscence.

> ***Dico** : Fuit simpliciter possibile Deo creare hominem in statu naturae purae, scilicet sine peccato et sine gratia atque dono integritatis, obnoxium morti, ignorantiae et concupiscentiae.*

2 The whole conclusion is against Jansenius and his followers; in part against Estius, Herrera and certain other theologians, who admit indeed that God could have created man without sanctifying grace and without the gift of immortality, but not without the gift of integrity which excludes concupiscence.

> *Tota conclusio est contra Jansenium et ejus sequaces; ex parte, contra Estium, Herreram et quosdam alios theologos, qui admittunt quidem Deum potuisse creare hominem sine gratia sanctificante et sine dono immortalitatis, non tamen sine dono integritatis excludente concupiscentiam.*

3 *It is proved* 1° from Augustine, who in book III de Lib. arbit., chapter 20, disputing against the Manichees, who admitted two principles, one good, the other evil, and blamed this latter on account

of the ignorance and difficulty of living well arising from the concupiscence we suffer, says in chapter 21 that, even if God were to create man subject to ignorance and concupiscence, or to difficulty in doing good, he would not therefore be to be blamed, but rather from this man would have reason to give thanks to his Creator: « For, he says in the aforesaid chapter 20, n. 56, not only is the soul, which by nature precedes every body, no mean good, but also that it has the faculty, with its Creator aiding, of cultivating itself, and can by pious effort acquire and take possession of all the virtues, through which it is freed both from tormenting difficulty and from blinding ignorance. But if this is so, ignorance and difficulty will not be to souls at their birth the punishment of sin, but an admonition to progress and the beginning of perfection. »

> Probatur *1° ex Aug., qui lib. III de Lib. arbit., cap. 20, disputans contra Manichaeos, qui admittebant duo principia, unum bonum, alterum malum, istudque culpabant propter ignorantiam et difficultatem bene vivendi ex concupiscentia, quas patimur, dicit cap. 21, quod, etiamsi Deus crearet hominem obnoxium ignorantiae et concupiscentiae, seu difficultati ad bonum, non ideo foret culpandus, sed e contra inde haberet homo quod conditori suo gratias ageret : « Non enim, inquit suprad. cap. 20, n. 56, mediocria bona sunt, non solum quod anima est, quae natura jam omne corpus praecedit, sed etiam quod facultatem habet, ut, adjuvante Creatore, seipsam excolat, et pio studio possit omnes acquirere et capere virtutes, per quas et a difficultate cruciante et ab ignorantia caecante liberetur. Quod si ita est, non erit nascentibus animis ignorantia et difficultas supplicium peccati, sed proficiendi admonitio et perfectionis exordium. »*

4 He repeats the same, now grown old, book I Retract., c. 9, and near death confirms it again in the book de Dono perseu., c. 11. Whence it is manifest that he never retracted this, as some pretend.

> *Idem repetit, jam senex factus, lib. I Retract., c. 9, et morti proximus, iterum confirmat lib. de Dono perseu., c. 11. Unde manifestum est id ipsum nunquam retractasse, ut quidam fingunt.*

5 *It is proved* 2° from St. Thomas, in II Sentent., dist. 31, q. 1, a. 2, ad 3, where he says: « God could have from the beginning, when he created man, formed also another man out of the slime of the earth, whom he would leave in the condition of his nature, so that namely he would be mortal and passible, and feeling in his reason the combat of concupiscence: in which nothing would be derogated from human nature, because this follows from the principles of nature. Yet this defect would have had in him no character of fault or punishment, because this defect would not have been caused by will. »

> Probatur *2° ex S. Thoma, in II Sentent., dist. 31, q. 1, a. 2, ad 3, ubi dicit : « Poterat Deus a principio, quando hominem condidit, etiam alium hominem ex limo terrae formare, quem in conditione suae naturae relinqueret, ut scilicet mortalis et passibilis esset, et pugnam concupiscentiae ad rationem sentiens : in quo nihil humanae naturae derogaretur, quia hoc ex principiis naturae consequitur. Non tamen iste defectus in eo rationem culpae aut poenae habuisset, quia non per voluntatem iste defectus causatus fuisset. »*

6 *It is proved* 3° by reason. The state of pure nature involves no repugnance, neither on the part of man nor on the part of God. Therefore it is simply possible.

> Probatur *3° ratione. Status naturae purae non repugnat, neque ex parte hominis, neque ex parte Dei. Ergo est simpliciter possibilis.*

7 The first part of the antecedent is proved. 1° Neither sanctifying grace nor the gift of integrity are due to human nature considered in itself, but are merely gratuitous and conferred from God's liberality alone. Therefore the state of pure nature involves no repugnance with respect to those gifts on the part of man. — The antecedent is proved. First, as to grace properly so called and

supernatural, it is evident both from the very name: for if it were owed, it would no longer be grace; and if of the supernatural order, then above the whole order and debt of nature; and also because by grace man becomes the adopted son of God, Galat., IV, 6, 28; but it belongs to the nature of adoption that he who is adopted be son and heir not by nature nor by any right, but by the liberal will of the adopter. As to the gift of integrity, *it is proved*: It is not a debt of nature considered in itself, that gift by which it would be exempted from the defects consequent upon the principles of nature itself; but rather it is more due that it be left subject to them, as is evident in the power of sinning, of which presently. But ignorance, concupiscence, passibility, mortality follow from the principles of human nature, as St. Thomas teaches, IV Contra gentes, c. 52, and as we said above in the exposition of the state of pure nature.

> Probatur *prima pars antecedentis. 1° Neque gratia sanctificans, neque donum integritatis, sunt debita naturae humanae secundum se spectatae, sed mere gratuita et ex sola Dei liberalitate collata. Ergo status naturae ab illis dotibus pura non repugnat ex parte hominis.* — Prob. ant. *In primis, quantum ad gratiam proprie dictam et supernaturalem, patet tum ex ipso nomine : si enim debita, jam non esset gratia : si ordinis supernaturalis, ergo supra totum ordinem et debitum naturae : tum quia homo per gratiam fit filius Dei adoptivus, Galat., IV, 6, 28 ; de ratione autem adoptionis est quod qui adoptatur, non natura nec aliquo jure, sed liberali adoptantis voluntate sit filius et haeres. Quantum ad donum integritatis,* prob. *Non est naturae secundum se spectatae debitum donum quo eximatur a defectibus ipsius naturae principiis consequentibus, sed magis debitum est ut iis obnoxia relinquatur, ut patet in potentia peccandi, de qua modo. Atqui ignorantia, concupiscentia, passibilitas, mortalitas, consequuntur ex principiis naturae humanae, ut docet S. Thomas, IV Contra gentes, c. 52, et nos diximus supra in expositione status naturae purae.*

[8] *It is proved* 2° by the same first part of the first antecedent. Man created in pure natural state would have all things that belong to him naturally, or from intrinsic principles, both in physical being and in moral being. Therefore the state of pure nature involves no repugnance on the part of man. — The antecedent is proved. In the physical order, man is constituted of body and rational soul with its properties and powers, both spiritual and sensitive; in the moral order, he requires to have free will, to know his end and the means proportioned to it, and by those means to be able to attain the end. But all these things he would have in the state of pure nature. And indeed concerning the intrinsic constituting principles and natural properties, and free will, no one denies. Of the rest it is proved. The proximate end of man, in the state of pure nature, would be honest good; his last end, God as author of nature; the means for attaining that end, morally good acts through the assists of the natural order. All these things, since they do not transcend nature, he would know, nor would the foresaid assists fail him, whereby, through morally good acts, he could attain this his last end. Therefore.

> Probatur *2° eadem prima pars primi antecedentis. Homo conditus in puris naturalibus, haberet omnia quae ipsi competunt naturaliter, seu ex principiis intrinsicis, tam in esse physico, quam in esse morali. Ergo status naturae purae non repugnat ex parte hominis.* — Prob. ant. *In ordine physico, homo constituitur corpore et anima rationali cum suis proprietatibus et potentiis, tam spiritualibus quam sensitivis; in ordine morali, exigit habere liberum arbitrium, suum finem et media illi proportionata cognoscere, atque per ea finem posse assequi. Atqui haec omnia haberet in statu naturae purae. Et quidem de principiis intrinsicis constituentibus et proprietatibus naturalibus, atque libero arbitrio, nemo negat. De caeteris probatur. Finis proximus hominis, in statu naturae purae, foret bonum honestum; finis ultimus, Deus ut author naturae; media ad illum finem consequendum, actus morales boni per auxilia ordinis naturalis. Haec autem omnia, cum naturam non transcendant, cognosceret, nec deessent illi auxilia praefata quibus, per bonos actus morales, hunc suum finem ultimum assequi posset. Ergo.*

9 Thus the first part of the first antecedent being proved, the second part flows spontaneously, namely that the state of pure nature involves no repugnance on the part of God. For if supernatural grace, the gift of integrity and immortality are not owed to human nature, God could deny these gifts to it without injury to his justice, goodness and wisdom, just as he denied, and de facto denied, to innocent Adam the gift of impeccability. Likewise, if man, in the state of pure nature, had all things that belong to him according to his intrinsic principles, both in physical being and in moral being, the order of divine justice is preserved, rendering indeed to each what is owed him by the right of his creation; the order of divine wisdom and goodness is preserved, disposing and ordering all things to their ends. Therefore.

> *Sic probata prima parte primi antecedentis, sponte fluit secunda pars, scilicet statum naturae purae non repugnare ex parte Dei. Si enim gratia supernaturalis, donum integritatis et immortalitatis, non sunt debita naturae humanae, haec dona Deus illi denegare potuit absque laesione suae justitiae, bonitatis et sapientiae, sicut si illi denegaret, et de facto denegavit Adamo innocenti, donum impeccabilitatis. Item, si homo, in statu naturae purae, haberet omnia quae ipsi competunt secundum principia sua intrinseca, tam in esse physico quam in esse morali, salvatur ordo justitiae divinae, utique reddentis unicuique quod ei debetur jure suae creationis, salvatur ordo divinae sapientiae et bonitatis disponentis et ordinantis omnia ad suos fines. Ergo.*

10 *It is proved* 4° from the conclusion by several propositions condemned in Baius. The first: « The sublimation and exaltation of human nature into the fellowship of the divine nature was due to the integrity of the first condition, and therefore must be called natural, not supernatural. » This is 21. — The second: « The integrity of the first creation was not an undue exaltation of human nature, but its natural condition. » This is 26. — See besides 55, 78 and 79[1]

1 Add this one of Quesnel condemned by Clement XI: « The grace of Adam is a sequel of creation, and was due to nature sound and whole. » It is 35.

> Probatur *4° conclusio ex pluribus propositionibus damnatis in Baio. Prima : « Humanae naturae sublimatio et exaltatio in consortium divinae naturae, debita fuit integritati primae conditionis, et proinde naturalis dicenda est, non supernaturalis. » Est 21. — Secunda : « Integritas primae creationis non fuit indebita naturae humanae exaltatio, sed naturalis ejus conditio. » Est 26. — Vide insuper 55, 78 et 79*[1]
>
> [1] *Adde hanc Quesnelli damnatam a Clemente XI : « Gratia Adami est sequela creationis, et erat debita naturae sanae et integra. » Est 35.*

11 *You will ask* by what power God could create man in the state of pure nature: extraordinary, or ordinary?

> Petes *qua potentia Deus potuit creare hominem in statu naturae purae : an extraordinaria, an ordinaria?*

12 *I answer.* That the solution of the question depends upon the diverse acceptation of ordinary and extraordinary power. Therefore

> Resp. *solutionem quaestionis pendere ex diversa acceptione potentiae ordinariae et extraordinariae. Itaque*

13 [1]

1 Prop. 55 : « God could not from the beginning create such a man as now is born. » Prop. 78 : « The immortality of the first man was not a gratuitous benefit, but a natural condition. » Prop. 79 : « False is the opinion of doctors, that the first man could have been created and instituted by God without natural justice. » By Urban VIII the aforesaid propositions, and others of the same author, were condemned as heretical, erroneous, suspect, rash, scandalous and offensive to pious ears, respectively. Constit. In eminenti, March 6, 1641. Already before they had been condemned by St. Pius V and Gregory XIII.

1

[1] *Prop. 55 : « Deus non potuisset ab initio talem creare hominem, qualis nunc nascitur. » Prop. 78 : « Immortalitas primi hominis non erat gratia beneficium, sed naturalis conditio. » Prop. 79 : « Falsa est doctorum sententia, primum hominem potuisse a Deo creari et institui sine justitia naturali. » Ab Urbano VIII supradictae propositiones, et aliae ejusdem authoris, fuerunt damnatae ut haereticae, erroneae, suspectae, temerarae, scandalosae et piarum aurium offensivae, respective. Constit. In eminenti, 6 martii 1641. Jam antea damnatae fuerant a S. Pio V et a Gregorio XIII.*

14 Some understand ordinary power as that by which God produces only effects proportioned to the nature of things and naturally owed to them; extraordinary power, that by which he produces miraculous effects beyond the strength and exigence of nature. According to this understanding it must be said that the state of pure nature was possible by the ordinary power of God; because in it all things are supposed to be connatural, and nothing miraculous, as we explained.

Quidam intelligunt potentiam ordinariam, illam qua Deus nonnisi effectus naturae rerum proportionatos et illi naturaliter debitos producit; extraordinariam, illam qua effectus miraculosos et super vires ac exigentiam naturae producit. Juxta hanc intelligentiam dicendum est, quod status naturae purae fuit possibilis de potentia Dei ordinaria ; quia supponitur in illo omnia fore connaturalia, et nihil miraculosum, ut explicuimus.

15 Others understand extraordinary power as that by which God can do many things which nevertheless he decreed not to do, and which consequently do not fall under the order of present providence, that is, the order which he himself established in leading things to the ends which he set before himself. They call ordinary power that by which God executes what he decreed to do; and thus St. Thomas seems to think, 1ª p., q. [25?] : « This is said of God that he can do it by ordinary power. » « But that which is attributed to divine power according as it executes the command of a just will, this is said of God that he can do by ordinary power. » According to this understanding, it must be said that God could not create man in the state of pure nature by ordinary power, but by extraordinary only; because, supposing the order which God established in things, namely the elevation of rational creature to a supernatural end from singular benevolence, this state does not fall under present providence, but remained in its possibility: provided however that in this opinion it be wholly conceded that God could fully and without any prejudice to his attributes have established another order of things, and according to that have created man in the state of pure nature.

Alii intelligunt potentiam extraordinariam, illam qua Deus potest multa facere, quae tamen decrevit non facere, et quae consequenter non subjacent ordini praesentis providentiae, hoc est, ordini quem ipse statuit in rebus perducendis ad fines quos ipse sibi proposuit. Vocant potentiam ordinariam, illam qua Deus exsequitur quod ipse facere decrevit, et ita videtur sentire S. Thomas, 1ª p., q. [25?] : « Hoc dicitur Deus posse facere de potentia ordinaria. » Quod autem attribuitur potentiae divinae secundum quod exsequitur imperium voluntatis justae, hoc dicitur Deus posse facere de potentia ordinaria. » Juxta hanc intelligentiam, dicendum est Deum non potuisse creare hominem in statu naturae purae potentia ordinaria, sed extraordinaria tantum; quia, supposito ordine quem Deus statuit in rebus, elevatione scilicet creaturae rationalis ad finem supernaturalem ex singulari benevolentia, iste status non subjacet presenti providentiae, sed mansit in sua possibilitate : modo tamen in ea sententia omnino concedatur, quod Deus plene et sine ullo suorum attributorum praejudicio potuerit alterum rerum ordinem statuere, et juxta illum creare hominem in statu naturae pura.

16 Therefore, according to the diverse assigned acceptation of ordinary and extraordinary power, it is truly said that the state of pure nature was and was not possible by ordinary power. And thus are reconciled the contrary opinions of the Thomists.

Igitur, secundum diversam acceptionem assignatam potentiae ordinariae et extraordinariae, vere dicitur statum naturae purae fuisse et non fuisse possibilem de potentia ordinaria. Et sic conciliantur contraria sententia Thomistarum.

17 From these things maturely weighed and well understood, you will meet many testimonies of Augustine by which the holy Doctor seems to intimate that the rational creature cannot without its own fault lack supernatural gifts; for these testimonies must be understood according to the present state and order of things, not according to another which God could have instituted.

Ex his mature perpensis et bene intellectis, obviabis multis testimoniis Augustini, quibus S. Doctor videtur innuere, creaturam rationalem non posse sine sua culpa carere donis supernaturalibus; haec enim testimonia intelligenda sunt secundum praesentem rerum statum et ordinem, non secundum alium quem Deus potuit instituere.

18 *Obj.* : It is repugnant that man be created subject to concupiscence. Therefore. — The antecedent is proved. Augustine labors perpetually to prove, against Julian, that concupiscence is not a natural property and perfection of man, but an evil opposed to his nature; and against him he urges everywhere that of I John, II, 16: *The concupiscence of the flesh... is not of the Father*, and the Apostle, who to the Romans, VII, 8, 20, calls concupiscence sin. Therefore.

Obj. *: Repugnat hominem creari obnoxium concupiscentiae. Ergo.* — Prob. ant. *Perpetuus est Augustinus ut probet, contra Julianum, concupiscentiam non esse naturalem hominis proprietatem et perfectionem, sed malum ejus natura oppositum, et contra eum passim urget illud I Joann., II, 16 :* Concupiscentia carnis... non est ex Patre*, et Apostolum, qui ad Rom., VII, 8, 20, vocat concupiscentiam peccatum. Ergo.*

19 For the solution of this and several other objections on the part of concupiscence, it must be observed that concupiscence can be taken two ways, either in act first, for the concupiscible power itself, or in act second, for the motion of that power toward sensible good. Moreover each again can be considered two ways: 1° simply and in itself, or materially, inasmuch as it is precisely an inclination to sensible good; 2° formally and with something added, insofar as it is an inclination to sensible good together with disorder and repugnance to right reason. Taken in the former way, it is a natural faculty and legitimate inclination to good proportioned to the body, and it is from God and by his intention in the creation of man. Taken in the latter way, it is a vicious inclination, which is properly called concupiscence and lust. It is not from God, nor by his intention, but a defect following upon the nature of man by reason of matter and subject, like passibility, mortality and other natural defects. For since man, as we already observed, consists of a twofold appetite, namely sensitive and rational, and each is borne toward its object, the sensitive to sensible good, the rational to honest good, and the sensitive is subjected to the rational not despotically but only politically, it often happens that sensible good desired is contrary to reason, and that the sensitive appetite, from a certain temperament of body, is borne more ardently toward its object. Hence arises the combat between them, which on the part of the sensitive appetite is lust and vicious concupiscence. These things premised,

Ad solutionem hujus et plurium aliarum instantiarum ex parte concupiscentiae, observandum est concupiscentiam posse sumi dupliciter, vel in actu primo, pro ipsa potentia concupiscibili, vel in actu secundo, pro ipsius potentiae motu in bonum sensibile. Item utraque potest iterum considerari dupliciter : 1° simpliciter et secundum se, seu materialiter, quatenus est praecise inclinatio in bonum sensibile, 2° formaliter et cum addito, prout est inclinatio in bonum sensibile, cum deordinatione et repugnantia ad rationem rectam. Priori modo sumpta, est naturalis facultas et legitima inclinatio in bonum corpori proportionatum, estque a Deo et ex ejus intentione in creatione hominis. Posteriori modo sumpta, est vitiosa inclinatio, quae proprie dicitur concupiscentia et libido. Non est a Deo, nec ex ejus intentione, sed defectus

sequens naturam hominis ratione materiae et subjecti, sicut passibilitas, mortalitas et alii defectus naturales. Cum enim homo, ut jam observavimus, constet duplici appetitu, scilicet sensitivo et rationali, et uterque feratur in suum objectum, sensitivus in bonum sensibile, rationalis in bonum honestum, et sensitivus, non despotice, sed politice tantum subdatur rationali, saepe contingit quod bonum sensibile appetitum sit contrarium rationi, et quod appetitus sensitivus ex certa corporis complexione ardentius feratur in suum objectum. Hinc inter utrumque pugna, quae ex parte appetitus sensitivi est libido et vitiosa concupiscentia. His praemissis,

20 *I answer. I deny* the antecedent. To the proof, *I deny* the consequence. For from this that concupiscence is evil, it follows that it is not from God positively and by his intention, but it does not follow that it is not a defect consequent upon the nature of man, from the condition of matter, apart from God's intention. Thus sin is an evil far worse than concupiscence, and yet man is created subject to sin, because the power of sinning is a defect consequent upon the nature of man from the condition of matter, since namely he is made from nothing.

Resp. *Nego ant. Ad prob., nego conseg. Ex hoc enim quod concupiscentia sit mala, sequitur quod non sit a Deo positive et ex ejus intentione, sed non sequitur quod non sit defectus sequens ad naturam hominis, ex conditione materiae, praeter Dei intentionem. Sic peccatum est malum longe pejus quam concupiscentia, et tamen creatur homo obnoxius peccato, quia potentia peccandi est defectus sequens ad naturam hominis ex conditione materiae, quia scilicet est ex nihilo.*

21 Rightly therefore does Augustine rebuke Pelagius, who not only praised the substance of the sensitive faculty, but its petulance, whereby it broke forth into disorderly motions, provided only that reason did not consent outside marriage; for in this consent alone he placed its excess, which he condemned. Moreover he said that concupiscence itself and lust, which he dared not name, was good in genus and species, from vital fire, from generative heat, from carnal motion, from delight; and he praised it as a good of nature, though the lowest, and as a gift of the Creator. Even the disorderly motions themselves he called good and laudable little sparks of nature, indicating indeed the defect of nature, but rather its vigor. From this he inferred that the first man, whom he acknowledged created upright, was created by God with that unbridled concupiscence such as now exists. But that Augustine might refute these most shameless encomia of lust, he proves by many arguments that concupiscence is not a gift of the Creator, nor a perfection of the soul, but a defect and an evil; not indeed moral, or sin, but because, as the holy Doctor says, it disturbs the offices of reason, calls away the mind from the delight of wisdom and the will from the operation of justice.

Merito igitur Augustinus objurgat Pelagium, qui non solum substantiam facultatis sensitivae laudabat, sed ejus petulantiam qua prorumpebat in motus inordinatos, modo illi ratio non consentiret extra matrimonium; in hoc enim solo consensu reponebat ejus excessum, quem damnabat. Caeterum ipsam concupiscentiam et libidinem, quam nominare non audebat, dicebat esse bonam ex genere et specie, ex igne vitali, ex calore genitali, ex motu carnali, ex delectatione, eamque laudabat ut bonum naturae, licet infimum, et ut donum Conditoris. Ipsos etiam motus inordinatos dicebat bonos et laudabiles natura igniculos, tamen naturae defectum in arbore, sed vigorem potius indicant. Hine inferebat primum hominem, quem rectum conditum agnoscebat, a Deo fuisse creatum cum ista effreni concupiscentia, qualis nunc est. Ut autem Augustinus haec impudentissima libidinis encomia refelleret, multis momentis probat concupiscentiam non esse donum Creatoris, neque perfectionem animae, sed defectum et malum, non quidem morale seu peccatum, sed quia, ut ait S. Doctor, perturbat rationis officia, mentem avocat a delectatione sapientiae et voluntatem ab operatione justitiae.

22 *You will ask* 1° : Augustine against Julian said thus that concupiscence is evil, as asserting that it is the punishment of sin, and from it he proved original sin; which argument would have fallen, if concupiscence were a natural defect. Therefore.

Inst. *1° : Aug. contra Julianum sic dicebat concupiscentiam esse malam, ut assereret esse poenam peccati, ex eaque probabat peccatum originale, quod argumentum concidisset, si concupiscentia esset defectus naturalis. Ergo.*

23 *I answer.* Augustine speaks of concupiscence in the present state, in which man had been created upright, as Julian confessed

Resp. *Augustinum loqui de concupiscentia in praesenti statu, in quo homo conditus fuerat rectus, ut fatebatur*

24 Julian; in which hypothesis Augustine well proves that the evil and unbridled concupiscence which now prevails presupposes sin, whose punishment and chastisement it is, since the uprightness in which man had been created would not have tolerated it.

Julianus, in qua hypothesi bene probat Augustinus, malam et effrenem concupiscentiam quae modo viget supponere peccatum, cujus est poena et supplicium, cum rectitudo in qua homo fuerat conditus eam non compateretur.

Whether man in the state of fallen nature not yet repaired has less strength for moral good than he would have had in the state of pure nature?

1 From the parable *Luc.*, X, 30, of the man going down from Jerusalem to Jericho who fell among robbers, who stripped him, and having laid on wounds departed, leaving him half dead, the common voice of the Holy Fathers and theologians is that man by original sin was not only stripped of original justice and other gratuitous gifts, but was also wounded in his natural endowments.

Ex parabola Luc., *X, 30, hominis descendentis ab Jerusalem in Jericho et incidentis in latrones, qui spoliaverunt eum, et plagis impositis abierunt, semivivo relicto, communis vox est SS. Patrum et theologorum, hominem per peccatum originale non solum fuisse spoliatum justitia originali et aliis donis gratuitis, sed etiam fuisse vulneratum in naturalibus.*

2 We call the wound of nature here the disruption and discontinuation of the union and subordination of reason to God, of the lower part to reason, and of the body to the soul. For just as in the human body there is said to be a wound when some division and disruption is made between its continuous and united parts, so analogically in the soul there is said to be a wound when its natural powers, which were united and subordinated to one another, were divided by the loss of this subordination. Whence, although in pure nature there would not have been greater union and subordination between these powers than there is now, nevertheless it would not be called a wound; because, since those powers would never have been joined and subordinated, the defect of union and subordination would not be through disruption and discontinuation, and therefore could not be called a wound.

Vulnus naturae dicimus hic disruptionem et discontinuationem unionis atque subordinationis rationis ad Deum, partis inferioris ad rationem et corporis ad animam. Sicut enim in corpore humano dicitur vulnus, quando inter partes ejus continuas et unitas fit aliqua divisio et disruptio, ita analogice in anima dicitur vulnus, quando potentiae ejus naturales, quae erant unitae et ad invicem subordinatae, fuerunt divisae per destitutionem hujus subordinationis. Unde, quamvis in natura pura non fuisset major unio et subordinatio inter has potentias quam sit nunc, non tamen diceretur vulnus; quia, cum istae potentiae nunquam fuissent junctae et subordinatae, defectus unionis et subordinationis non esset per disruptionem et discontinuationem, et ideo non potuisset dici vulnus.

3 Four wounds of nature are enumerated, according to the same number as the powers of the soul. For insofar as reason is deprived of its order to the true, it is the wound of ignorance; insofar as the will is deprived of its order to the good, it is the wound of malice; insofar as the irascible is deprived

of its order to the arduous good, it is the wound of infirmity; insofar as the concupiscible is deprived of its order to the delight moderated by reason, it is the wound of concupiscence.

> *Quatuor recensentur vulnera naturae, juxta eumdem numerum potentiarum animae. In quantum enim ratio destituitur suo ordine ad verum, est vulnus ignorantiae; in quantum voluntas destituitur ordine ad bonum, est vulnus malitiae; in quantum irascibilis destituitur suo ordine ad bonum arduum, est vulnus infirmitatis; in quantum concupiscibilis destituitur ordine ad delectabile moderatum ratione, est vulnus concupiscentiae.*

4 And although that perfect union and subordination of the powers in the state of innocence would not be natural or due to nature, but from a gratuitous gift, yet since it was a good of nature itself and perfected it, even in its natural order, its disruption is called the wound of nature, and by this man is wounded in his natural endowments. But whether man ought not moreover to be called wounded in his natural endowments in some further sense, we shall now explain.

> *Et quamvis ista perfecta unio et subordinatio potentiarum in statu innocentiae non esset naturalis seu debita naturae, sed ex dono gratuito, quia tamen erat bonum naturae ipsamque perficiebat, etiam in ordine suo naturali, ejus disruptio dicitur vulnus naturae, et per hanc homo vulneratus in naturalibus. Utrum autem non alio insuper sensu homo non debeat dici vulneratus in naturalibus, explicabimus modo.*

5 From these things it is clear that man in the state of fallen nature is far weaker toward good and more prone to evil than in the state of integral and innocent nature. And these things are certain among authors. But the difficulty concerns the state of pure nature, whether man in the state of fallen nature, unrepaired, has lesser powers for the moral good of the natural order than he would have had in pure nature.

> *Ex his liquet, hominem in statu naturae lapsae longe esse debiliorem ad bonum et proniorem ad malum, quam in statu naturae integrae et innocentis. Et haec certa sunt apud authores. Sed difficultas est respective ad statum naturae purae, utrum homo in statu naturae lapsae, non reparatae, habeat minores vires ad bonum morale naturalis ordinis, quam habuisset in natura pura.*

6 **I say**: The natural powers of man for the moral good of the natural order in the state of fallen nature, not yet repaired, are not diminished intrinsically and as to entity; nevertheless it is more probable that he is less apt for the moral good extrinsically and from the addition of an impediment which he would not have had in pure nature, and in this sense can be said to be lesser than he would have been in pure nature.

> ***Dico**: Vires naturales hominis ad bonum morale ordinis naturalis in statu naturae lapsae, nondum reparata, non sunt imminuta intrinsece et quoad entitatem; probabilius est tamen esse minus habiles ad bonum morale extrinsece et ex appositione impedimenti quod non fuisset in natura pura, atque hoc sensu posse dici minores quam fuissent in natura pura.*

7 The first part of the conclusion is proved. The natural powers of man for the moral good of the natural order, namely intellect, will and sensitive appetite, are properties flowing necessarily and uniformly from the essence; consequently, like the essence itself, they admit of no more and less, especially intellect and will, which since they are spiritual are incorruptible and unalterable.

> Probatur *prima pars conclusionis. Vires naturales hominis ad bonum morale ordinis naturalis, scilicet intellectus, voluntas et appetitus sensitivus, sunt proprietates necessario et uniformiter manantes ab essentia; consequenter, sicut ipsa essentia, non admittunt plus et minus, praesertim intellectus et voluntas, qui cum sint spirituales, sunt incorruptibiles et inalterabiles.*

8 It is confirmed. Original sin consists essentially in the privation of original justice, which contained the powers in right order. But from what removes and prohibits no real and physical change is made in the thing, but it is left to its own nature. Therefore.

> Confirmatur. *Peccatum originale consistit essentialiter in privatione justitiae originalis, quae continebat potentias in recto ordine. Atqui ex removente prohibens nulla realis et physica mutatio fit in re, sed suae naturae relinquitur. Ergo.*

9 The second part of the conclusion is proved. He is less apt for the moral good of the natural order who is averted from God as last natural end than he who is not thus averted. But man, in the state of unrepaired fallen nature, is by original sin averted from God as last natural end, and in the state of pure nature he would not be thus averted. Therefore man in the state of fallen nature, extrinsically and from the addition of an impediment, is less apt for the moral good than in the state of pure nature. — The *major* seems certain; because the efficacy and powers of the will for choosing means are taken from love and conversion to the end, which stands in things doable as the first principle does in things speculable. Therefore just as he who is not rightly instructed in first principles, but deviates from them, is less apt for drawing true conclusions, so he who is averted from the end is less apt for right operations. — The *minor* is proved. Adam, by sinning, violated not only the supernatural law but also the natural; for every sin is against reason and the natural law commanding obedience to every legitimate superior commanding: consequently he turned all his posterity away from God as natural author. But in pure nature there would have been no such aversion, because there would have been no sin. Therefore.

> Probatur *secunda pars conclusionis. Ille est minus habilis ad bonum morale ordinis naturalis, qui est aversus a Deo, ut ultimo fine naturali, quam qui non est sic aversus. Atqui homo, in statu naturae lapsae non reparatae, est per peccatum originale aversus a Deo, ut ultimo fine naturali, et in statu naturae purae non sic esset aversus. Ergo homo in statu naturae lapsae, extrinsece et ex appositione impedimenti, est minus habilis ad bonum morale, quam in statu naturae purae.* — Major *videtur certa; quia efficacia et vires voluntatis ad eligenda media sumuntur ex amore et conversione ad finem, qui se habet in agibilibus, sicut primum principium in speculabilibus. Sicut ergo qui non est recte instructus primis principiis, sed ab eis deviat, est minus habilis ad deducendas veras conclusiones, ita qui est aversus a fine, est minus habilis ad operationes rectas.* — Prob. min. *Adam, peccando, non solum legem supernaturalem violavit, sed etiam naturalem; omne enim peccatum est contra rationem et legem naturalem praecipientem obedire omni superiori legitime jubenti : consequenter omnem suam posteritatem a Deo ut authore naturali avertit. Atqui in natura pura non fuisset hujusmodi aversio, quia non fuisset peccatum. Ergo.*

10 Some not improbably posit another impediment, from the captivity and tyranny of the devil. For as it is said *II Petr.*, II, 19, by whom anyone is overcome, of him also he is the slave. And Trident., sess. v, on original sin, canon 1, strikes with anathema him who should say that the first man, by transgressing the commandment of God, did not incur « with death the captivity under his power who thereafter had the empire of death, that is, of the devil. » This captivity, however, since it is an effect of sin, would not have been in the state of pure nature. Moreover the devil exercises his tyranny, inviting and moving his subjects in various ways to all wickedness, proposing external objects, stirring the phantasy, inflaming the passions, altering bodies, etc. And although he could have tempted men in pure nature, seeing that he tempted the first man in integral nature, it is nevertheless far more probable that he exercises his dominion far more powerfully and efficaciously over his captives, God permitting, in vengeance for sin.

Quidam non improbabiliter ponunt aliud impedimentum, ex captivitate et tyrannide diaboli. Ut enim dicitur II Petr.*, II, 19, a quo quis superatus est, ejus et servus est. Et* Trid.*, sess. v, de peccato originali, can. 1, anathemate ferit eum qui dixerit, primum hominem, transgrediendo Dei mandatum, non incurrisse « cum morte captivitatem sub ejus potestate qui mortis deinde habuit imperium, hoc est, diaboli. » Haec autem captivitas cum sit effectus peccati, non fuisset in statu naturae purae. Exercet autem diabolus suam tyrannidem, invitando et movendo sibi subditos variis modis ad omnia flagitia, proponendo objecta extrinseca, commovendo phantasiam, inflammando passiones, alterando corpora, etc. Et quamvis potuisset tentare homines in natura pura, si quidem tentaverit primum hominem in natura integra, verisimilius est tamen longe potentius et efficacius suum dominatum exercere in suos captivos, permittente Deo, in peccati vindictam.*

11 *Obj.*: From what removes and prohibits there does not follow a greater or lesser natural effect than follows from nature itself, as is clear in the example of a stone held up; for it, the impediment removed, is not moved more quickly than if it had been moved by gravity alone. But original sin stands only as removing-prohibiting in ordine to the disordered motions of the will and sensitive appetite, inasmuch as it took away original justice, by which disordered motions were curbed. Therefore.

Obj.*: Ex removente prohibens non sequitur major aut minor effectus naturalis, quam ex natura ipsa sequatur, ut patet in exemplo lapidis sursum detenti; ille enim, remoto prohibente, velocius non movetur, quam si fuisset motus a sola gravitate. Atqui peccatum originale se habet solum ut removens prohibens in ordine ad motus inordinatos voluntatis et appetitus sensitivi, quatenus abstulit justitiam originalem, qua motus inordinati compescebantur. Ergo.*

12 *I answer.* I deny the minor. For original sin, besides the privation of original justice, imports aversion from God as natural author, such as pure nature does not import. This aversion however is a moral impediment to doing good. Whence from this argument, which is the principal one of the opposite opinion, just as from various texts of St. Thomas in which he says that through original sin « nature is left to itself, » *1a 2ae*, q. 82, a. 4, ad 1, and that the bond of original justice removed, each power of the soul tends into its own proper motion, ibid., q. 87, a. 7, c, and similar passages: from these, I say, only the first part of the conclusion is proved, namely that the natural powers for good are not diminished intrinsically, physically and entitatively, but not that they are not diminished morally and from the addition of an impediment in ordine to pursuing the good.

Resp. *Nego minorem. Nam peccatum originale, praeter privationem justitiae originalis, importat aversionem a Deo ut authore naturali, qualem non importat natura pura. Haec autem aversio est impedimentum morale boni faciendi. Unde ex hoc argumento, quod praecipuum est sententiae oppositae, sicut ex variis textibus S. Thomae quibus dicit, per peccatum originale « naturam sibi relinqui, »* 1a 2°*, q. 82, a. 4, ad 1, et sublato vinculo justitiae originalis, unamquamque vim animae tendere in suum proprium motum, ibid., q. 87, a. 7, c, et similibus : ex his, inquam, solum probatur prima pars conclusionis, nimirum vires naturales ad bonum non minui intrinsece, physice et entitative, non vero non minui moraliter et ex appositione impedimenti in ordine ad bonum prosequendum.*

Whether grace efficacious of itself was necessary to Adam and to the angels alike for persevering?

1 Here we have a contest with Jansenius and the theologians commonly called Augustinians. These, although in this state they admit the necessity of grace per se efficacious, contend nevertheless, from Augustine, libr. de Corrept. et Grat., cap. 10, 11, 12, that Adam and the angels had no need of it in order to persevere, but only of an indifferent and versatile grace hanging upon the nod of free will, such as the Molinists admit in the present state. The Thomists, on the contrary, uphold the necessity of efficacious grace for both states, with this difference, that in the first state grace would be grace of

health, in the second it is medicinal grace, or, as Augustine says, the former is the more joyful, the latter the more powerful. And because the whole contest is about the mind of this holy Doctor,

> *Res hic nobis est cum Jansenio et theologis qui vulgo dicuntur Augustiniani. Hi, quamvis in hoc statu admittant necessitatem gratiae per se efficacis, contendunt tamen, ex Augustino, libr. de Corrept. et Grat., cap. 10, 11, 12, ea Adamum et angelos non indiguisse ad perseverandum, sed sola gratia indifferenti et versatili pendente a nutu liberi arbitrii, qualem Molinistae admittunt in praesenti statu. Thomistae, e contra, propugnant necessitatem gratiae efficacis pro utroque statu, cum hoc discrimine, quod in primo statu esset gratia sanitatis, in secundo sit gratia medicinalis, seu, ut dicit Augustinus, illa sit laetior, ista potentior. Et quia tota concertatio est de mente hujus S. Doctoris,*

2 **I say**: According to St. Augustine, grace per se efficacious was necessary for Adam and the angels in order to persevere.

> ***Dico**: Juxta S. Augustinum, gratia per se efficax fuit Adamo et angelis necessaria ad perseverandum.*

3 *It is proved* 1° from the most formal testimonies of St. Augustine. the others falling, they themselves stood. Such is the title of the chapter: « Whether the holy angels have him whom they have as creator by nature as the same author of good will, that is, of that volition whereby they persevered, through the Holy Spirit, his charity diffused in them? »

> Probatur *1° ex formalissimis S. Augustini testimoniis. aliis cadentibus, ipsi steterunt. Is est titulus capitis : « An sancti angeli quem habent creatorem natura, eumdem habeant bonae voluntatis illius scilicet volitionis qua perseveraverunt] authorem, per Spiritum sanctum in eis charitate diffusa? »*

4 What do the adversaries answer, or what ought they to answer, to this question? That both angels, the good and the bad, had versatile grace; that the good made it efficacious by their consent, the bad made it inefficacious by their dissent, and for that reason the former stood in the justice they had accepted, the latter fell. But how far distant from Augustine: « If the angels, says the holy Doctor, responding to the question proposed, could not make themselves better than he had made them, than which no one makes anything better, certainly they could not have had that good will whereby they would be better, unless the aid of the Creator were operating. And when their will did that good thing, that they should be turned not to themselves, who were less, but to him who supremely is..., what else is shown than that any good will whatsoever was needy, and would have remained in mere desire, unless he who had made good nature out of nothing capable of himself made it better by filling it, first making it by exciting it to be more avid?... But those who, although created good, are nevertheless bad by their own evil will, which nature alone did not make, save when it spontaneously fell away from good — that the good be not the cause of evil, but the defect from good — either received a lesser grace of divine love than those who persevered in the same; or, if both were created equally good, these falling by evil will, those were helped MORE, and attained that fullness of beatitude whereby they became most certain that they would never fall: as also we treated in the book which this one follows. It must be confessed therefore, with the praise due to the Creator, that it pertains not to holy men alone, but can be said also of the holy angels, that the charity of God has been diffused in them by the Holy Spirit who has been given to them. » Although it is most evident that this testimony is for our opinion, yet that its whole force may shine forth the more, I weigh each point.

> *Quid huic quaestioni respondent aut respondere debent adversarii? Utrosque angelos, bonos et malos, habuisse gratiam versatilem; bonos suo consensu eam effecisse efficacem, malos suo dissensu inefficacem, eaque de causa illos stetisse in*

accepta justitia, illos cecidisse. At quam dissite ab Augustino : « Si angeli, inquit S. Doctor, propositae quaestioni respondens, non potuerunt facere seipsos meliores quam eos ille fecerat, quo nemo melius quidquam facit, profecto et bonam voluntatem qua meliores essent, nisi operante adjutorio Creatoris, habere non possent. Et cum id egit voluntas eorum bona, ut non ad seipsos, qui minus erant, sed ad illum qui summe est converterentur..., quid aliud ostenditur, nisi voluntatem quamlibet bonam inopem fuisse in solo desiderio mansuram, nisi ille qui bonam naturam ex nihilo sui capacem fecerat, ex se ipso faceret implendo meliorem, prius faciens excitando avidiorem?... Isti autem qui, cum boni creati essent, tamen mali sunt mala propria voluntate, quam sola natura non fecit, nisi cum a bono sponte defecit, ut mali causa non sit bonum, sed defectus a bono, aut minorem acceperunt amoris divini gratiam, quam illi qui in eadem perstiterunt; aut, si utrique boni aequaliter creati sunt, istis mala voluntate cadentibus, illi AMPLIUS adjuti, ad eam beatitudinis plenitudinem, unde se nunquam casuros certissimi fierent, pervenerunt : sicut etiam in libro quem sequitur iste tractavimus. Confitendum est igitur, cum debita laude Creatoris, non ad solos sanctos homines pertinere, verum etiam de sanctis angelis posse dici, quod charitas Dei diffusa sit in eis per Spiritum sanctum qui datus est eis. » Quamvis apertissimum sit hoc testimonium pro nostra sententia, ut tamen tota vis ejus magis elucescat, singula perpendo.

5 1° According to Augustine, no creature, not even an angel, can make itself better than God made it. But if the good angels had from God only the aid without which not, or versatile grace whereby they could persevere, while the will and act of persevering were from themselves, no mightier aid received which should work in them that they might will, they would have made themselves better than God had made them: for better is he who does good, than he who can simply; better he who in fact perseveres in the justice once accepted, than he who can simply persevere. Therefore, according to Augustine, efficacious grace was necessary to the angels in order to persevere.

1° Juxta Augustinum, nulla creatura, neque etiam angelus, potest se facere meliorem quam a Deo facta sit. Atqui, si angeli boni habuissent tantum a Deo auxilium sine quo non, seu gratiam versatilem qua potuissent perseverare, a se vero perseverandi voluntatem et actum, nullo potentiori auxilio accepto quod in eis operaretur ut vellent, se fecissent meliores quam Deus eos fecerat : melior est enim ille qui bonum facit, quam qui simpliciter potest; qui de facto perseverat in accepta justitia, quam qui simpliciter perseverare potest. Ergo, juxta Augustinum, gratia efficax fuit necessaria angelis ad perseverandum.

6 2° What I note above all in the aforesaid testimony is that, whereas Augustine had said compendiously that God made the good angels better « by exciting them to be more avid, » afterwards explaining this more carefully, he sets forth two modes by which the good angels could be made better by God: First, he says, because the angels who fell received in their creation a lesser grace, consequently the good ones a greater; this being supposed, it is manifest that the holy angels were made better by God, not by themselves. But, because it was uncertain to Augustine whether those who fell truly received a lesser grace in their creation, and indeed the opposite is the truer, he adds that, if all were created equally good, those who persevered « were further helped, » that is, received a greater actual aid, whereby they persevered and were made better than the others. Therefore, according to Augustine, the holy angels, over and above the sufficient aid conferred upon all, needed another mightier and more efficacious aid, whereby they might persevere and be made better.

2° Quod praecipue in praefato testimonio observo, est quod, cum Augustinus compendio dixisset, Deum bonos angelos meliores effecisse « excitando avidiores, » id postea accuratius explicans, duos modos exponit quibus boni angeli potuerunt a Deo effici meliores : Primo, inquit, quia angeli qui ceciderunt, acceperunt in sua creatione minorem gratiam, consequenter boni majorem; quo supposito, palam est angelos sanctos factos esse meliores a Deo, non a seipsis. Sed, quia incertum erat Augustino, an revera qui ceciderunt minorem gratiam in sua creatione receperint, et quidem oppositum sit

verius, addit quod, si omnes sint creati aequaliter boni, illi qui perseveraverunt « AMPLIUS fuerint adjuti, » seu majus auxilium actuale receperint, quo perseveraverunt et meliores aliis effecti. Ergo, juxta Augustinum, angeli sancti, praeeter auxilium sufficiens omnibus collatum, indigebant altero potentiori et efficaciori quo perseverarent et meliores efficerentur.

7 3° And what I weigh last in the aforesaid testimony of Augustine is the very response which the holy Doctor makes to the question proposed. The question was, as the title of the chapter bears: « Whether the holy angels have him whom they have as creator of nature as the same author of their good will [that is, of the good volition whereby they persevered], through the Holy Spirit, charity being diffused in them? » Many things having been premised and touched upon, especially those we have related, concluding at length he thus answers the question: « It must be confessed therefore, with the praise due to the Creator, that it pertains not to holy men alone, but can be said also of the holy angels, that the charity of God has been diffused in them by the Holy Spirit who has been given to them. » You see that God, Augustine defining it, wrought good will in the angels through the effusion of some new actual charity, just as he works in the saints. — *I subjoin*. But the grace by which God works good will in holy men is not merely sufficient and versatile, but per se efficacious; it is not an aid without which, but whereby, as Jansenius and the Augustinians contend with all their nerves. Therefore.

3° Et quod ultimo expendo in praefato Augustini testimonio, est ipsa responsio quam S. Doctor facit quaestioni propositae. Quaestio erat, ut fert titulus capitis : « An sancti angeli quem habent creatorem naturae, eumdem habeant bonae voluntatis [id est, bonae volitionis qua perseveraverunt] authorem, per Spiritum sanctum in eis charitate diffusa? » Multis praemissis et praelibatis quae praesertim retulimus, tandem concludens sic respondet quaestioni : « Confitendum est igitur cum debita laude Creatoris, non ad solos sanctos homines pertinere, verum etiam de sanctis angelis posse dici, quod charitas Dei diffusa sit in eis per Spiritum sanctum qui datus est eis. » Vides Deum, definiente Augustino, bonam voluntatem operatum esse in angelis per effusionem alicujus nova charitatis actualis, sicut operatur in sanctis. — Subsumo. *Atqui gratia per quam Deus operatur in viris sanctis bonam voluntatem, non est mere sufficiens et versatilis, sed per se efficax; non est auxilium sine quo, sed quo, ut totis nervis contendunt Jansenius et Augustiniani. Ergo.*

8 This celebrated testimony of Augustine set in a good light, I subjoin the following. The holy Doctor, *Enarrat. in Psal.* xxxi, expounding that word of the Psalmist, 6: *By the word of the Lord the heavens were established, and all the virtue of them by the spirit of his mouth*, and applying these words allegorically to the angels, says: « By the word of the Lord the heavens [that is, the angels] are made firm. For they were not a firming for themselves, nor did the heavens themselves bestow their own firmness upon themselves... For they had nothing from themselves, and received as it were a supplement from the Lord; for by the spirit of his mouth, not a part, but all their virtue was. » But if they had had nothing but versatile grace suspended upon the nod of free will, they would have had the firming and the firmness from themselves, at least in part, by rendering namely the versatile and indifferent grace efficacious by their consent, and would have added the supplement from themselves, namely their free consent to indifferent grace, as the adversaries say; all which Augustine denies. Therefore.

Hoc celebri Augustini testimonio in bona luce posito, sequens subjungo. S. Doctor, Enarrat. in Psal. *xxxi, exponens illud Psalmistae, 6 :* Verbo Domini coeli firmati sunt, et spiritu oris ejus omnis virtus eorum, *et verba haec allegorice applicans angelis, dicit : « Sermone Domini coeli [id est, angeli] solidati sunt. Nam non a se sibi solidamentum fuerunt, nec ipsi coeli firmitatem sibi propriam praestiterunt... Non enim habuerunt aliquid ex se, et tamquam supplementum a Domino perceperunt; spiritu enim oris ejus, non pars, sed omnis virtus eorum. » Atqui, si non habuerint nisi gratiam versatilem ex libero arbitrii nutu suspensam, solidamentum et firmitatem a se, saltem ex parte, habuissent,*

reddendo scilicet gratiam versatilem et indifferentem suo consensu efficacem, supplementumque ex seipsis addidissent, nempe liberum consensum gratiae indifferenti, ut dicunt adversarii; quae tamen omnia negat Augustinus. Ergo.

9 *It is proved* 2° by overthrowing the foundation of the adversaries. If motion per se efficacious were not necessary in the state of innocence, this would be, as the adversaries will, because, according to Augustine, its whole necessity is drawn from the infirmity of the fallen nature for supernatural and meritorious acts. But that assumption of the adversaries is false. Therefore. — *Proof of the minor.* Augustine draws the necessity of efficacious motion not only from the infirmity of the fallen nature, but also from the omnipotence of God, from the subordination and dependence of every creature upon God in acting. Therefore. — *Proof of the antecedent.* 1° Above all the holy Doctor, lib. I de Trinit., cap. 4, n. 9, lays down as a constant and universal principle that « the divine will is the first and supreme cause of all corporeal and spiritual motions, » which words he utters from Augustine, St. Prosper, sent. 58.

Probatur 2° *conclusio evertendo fundamentum adversariorum. Si motio per se efficax non esset necessaria in statu innocentiae, ideo foret, ut volunt adversarii, quia, juxta Augustinum, tota ejus necessitas repetitur ex infirmitate naturae lapsae ad actus supernaturales et meritorios. Atqui falsum est istud assumptum adversariorum. Ergo.* — Prob. min. *Augustinus repetit necessitatem motionis efficacis, non solum ex infirmitate naturae lapsae, sed etiam ex omnipotentia Dei, ex subordinatione et dependentia omnis creaturae a Deo in agendo. Ergo.* — Prob. ant. *1° Imprimis S. Doctor, lib. I de Trinit., cap. 4, n. 9, statuit tamquam principium constans et universale, quod « divina voluntas sit prima et summa causa omnium corporalium et spiritualium motionum, » quae verba profert ex Augustino S. Prosper sententia 58.*

10 2° Lib. V de Genes. ad litt., c. 20, n. 41: « God, he says, moves by a hidden power his whole creature, and by that motion they turn about, while the angels perform the commands, while the stars make their circuits, while the winds alternate..., while the ages unroll the latent greens and pastures, as it were folded up[1] he had implanted; yet they would not unroll into their courses, if he who created them were to cease to administer them by his provident motion. » And at the end of c. 23, n. 46: « He by whom he made all things together, governing and moving them with an administering act, works without cessation. » Here there is no mention or question of the infirmity of nature for supernatural and meritorious acts, but of the subordination and dependence alone of every created cause, even natural, in acting, upon almighty God as first cause and first mover.

2° Lib. V de Genes. ad litt., c. 20, n. 41 : « Deus, inquit, movet occulta potentia universam creaturam suam, eoque motu illa versantur, dum angeli jussa perficiunt, dum circumeunt sidera, dum alternant venti..., dum vireta pascuaque latentia explicat saecula, quasi implicata[1] indiderat; qua tamen in suos cursus non explicarentur, si ea ille qui condidit provido motu administrare cessaret. » Et in fine cap. 23, n. 46 : « Ea qua omnia simul fecit, administratorio actu gubernans et movens, sine cessatione operatur. » Ibi nulla mentio aut quaestio de infirmitate naturae ad actus supernaturales et meritorios, sed de sola subordinatione et dependentia omnis causae creatae, etiam naturalis, in agendo, a Deo omnipotente, ut prima causa et primo motore.

11 3° Lib. de Corrept. et grat., which the adversaries oppose to us, cap. 14, n. 43, on the election of David as king: « The Lord almighty, he says, brought these men that they might constitute him king. And how did he bring them? Did he perhaps bind them with any bodily chains? He acted within, he held hearts, he moved hearts, and drew them by their wills, which he himself wrought in them. If therefore, when he wishes to establish kings upon earth, he has the wills of men more in his power

3° Lib. de Corrept. et grat., quem nobis opponunt adversarii, cap. 14, n. 43, de electione Davidis in regem : « Dominus omnipotens, inquit, adduxit istos ut eum regem constituerent. Et quomodo adduxit? Numquid corporalibus ullis vinculis alligavit? Intus egit, corda tenuit, corda movit, eosque voluntatibus eorum, quas ipse in illis operatus est, traxit. Si ergo, cum voluerit reges in terra constituere, magis habet in potestate sua voluntates hominum

12 [1]

[1] So the editions. But the Benedictines, from manuscripts of better note, have plicita, from the verb plicare.

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[1] Sic editi. At Benedictini, ex mss. melioris notae, habent plicita, e verbo plicare.

13 than those very men their own wills, who else makes it that correction be wholesome, and correction take place in the heart of the corrected, that he may be established in the heavenly kingdom? » And lib. I contra duas Epist. Pelagianorum cap. 20, n. 38, speaking of the change of King Assuerus from indignation to mildness, which was also an act of the natural order: « God, he says, by a most hidden and most efficacious power [converts the heart of the king] and translated him from indignation to lenity, that is, from the will of harming to the will of favoring, according to that of the Apostle: God works in us even to will. » In all these there are plainly efficacious motions, whose necessity Augustine nevertheless does not draw from the infirmity of the fallen nature, but from the omnipotence of God and the dependence of creatures upon him, as is clear both from the terms, and because, as I said, those elections and actions were merely civil and of the natural order, to which the infirmity of the fallen nature in respect of supernatural and meritorious acts is irrelevant. Nay, from the necessity of efficacious motion for those civil acts Augustine infers, as from the less to the greater, the necessity of such motion for salutary acts, namely for the correction of heart and morals, as is clear from the words of the second text, and which he repeats more openly lib. de Praedest. sanctorum, cap. 20, n. 42, where, defending this inference of his against the Semi-Pelagians, he says: « Do they think that God inclines the wills of whom he will for making earthly kingdoms, but that God does not incline the wills of whom he will for obtaining the heavenly kingdom?... Consider moreover what it is to believe that for constituting earthly kingdoms God works the wills of men, and for laying hold of the kingdom of heaven men work their own wills. » Therefore Augustine draws the necessity of efficacious motion from the omnipotence of God and the dependence of the creature upon him, both in natural things and in supernatural things.

quam ipsi suas, quis alius facit ut salubris sit correptio, et fiat in correpti corde correctio, ut coelesti constituatur in regno? » Et lib. I contra duas Epist. Pelagianorum cap. 20, n. 38, loquens de mutatione regis Assueri ab indignatione ad mansuetudinem, quae etiam fuit actus ordinis naturalis : « Deus, inquit, occultissima et efficacissima potestate [cor regis convertit] et transtulit ab indignatione ad lenitatem, hoc est, a voluntate laedendi ad voluntatem favendi, secundum illud Apostoli : Deus operatur in nobis et velle. » In his omnibus aperte sunt motiones efficaces, quarum tamen necessitatem non repetit Augustinus ex infirmitate naturae lapsae, sed ex omnipotentia Dei et dependentia creaturarum ab illo, ut patet tum ex terminis, tum quia, ut dixi, istae electiones et actiones erant mere civiles et ordinis naturalis, ad quas impertinens est infirmitas naturae lapsae in ordine ad actus supernaturales et meritorios. Imo ex necessitate motionis efficacis ad illos actus civiles, infert Augustinus, tamquam a minori ad majus, necessitatem hujusmodi motionis ad actus salutares, nempe ad correctionem cordis et morum, ut patet ex verbis secundi textus, quodque apertius repetit lib. de Praedest. sanctorum, cap. 20, n. 42, ubi defendens hanc suam illationem contra Semi-Pelagianos, dicit : « An existimant ad regna terrena facienda Deum inclinare, ad regnum vero coeleste obtinendum Deum non inclinare quorum voluerit voluntates ?... Cogitate autem quale sit, ut credamus, ad constituenda regna terrena, hominum voluntates

operari Deum, et ad capessendum regnum coelorum homines operari voluntates suas. » Ergo Augustinus ex omnipotentia Dei atque creaturae dependentia ab illo repetit necessitatem motionis efficacis, et in naturalibus, et in supernaturalibus.

14 *It is confirmed* 1°. If the necessity of grace per se efficacious must be drawn from the sole infirmity of nature wounded by original sin, it follows that, where there is no infirmity from original sin, there is no efficacious grace, but only versatile grace. Thus teach the adversaries. But the consequent is false. Therefore also the antecedent. — *Proof of the minor.* In Christ the Lord there was no infirmity from original sin, which he did not contract. Likewise in the most blessed Virgin: either there was no original sin, according to the pious opinion[1], or at least, according to all, the fomes was bound in the womb of her mother and fully extinguished at the conception of Christ. Yet nevertheless both Christ and his most blessed mother were endowed not with versatile grace only, but with efficacious and most efficacious grace. Therefore. — The major is of faith, (at least as regards Christ: as regards the most blessed Virgin it would be temerarious to deny it) But the minor I judge cannot be denied by anyone: 1° because it is incredible, indeed it seems to imply a contradiction, that the author and the Mother of grace, who were led, governed and moved toward good more efficaciously and unfailingly than any other by the Holy Spirit, lacked efficacious grace, and that in Christ there was not the grace of Christ, which Augustine defended through so many years and in so many volumes. 2° Because it would follow that the good works of Christ and of his Mother were not foreseen by God in his decree, but in the very use of their free will, through middle knowledge, and that the predestination of Christ to hypostatic union, and of the most blessed Virgin to the dignity of the maternity of God, and of each to glory, was not gratuitous, against the express doctrine of Augustine, de Praedestinat. sanctorum, c. 15, n. 30 and 31.

Confirmatur *1°. Si necessitas gratiae per se efficacis repetenda sit ex sola infirmitate naturae per peccatum originali laesae, sequitur quod, ubi nulla est infirmitas ex peccato originali, nulla sit gratia efficax, sed gratia tantum versatilis. Ita docent adversarii. Atqui falsum consequens. Ergo et antecedens.* — Prob. min. *In Christo Domino nulla fuit infirmitas ex peccato originali, quod non contraxit. Item in beatissima Virgine, vel non fuit peccatum originale, secundum piam opinionem[1], vel saltem, secundum omnes, fomes fuit ligatus in utero matris et plene extinctus in conceptione Christi.) Atqui tamen et Christus et beatissima ejus mater, non gratia versatili tantum, sed efficaci et efficacissima fuerunt donati. Ergo. — Major est de fide, (saltem quoad Christum : quoad beatissimam Virginem temerarium foret negare) Minorem autem non puto etiam posse a quoquam negari 1° quia incredibile est, imo videtur implicatorium, quod author et Mater gratiae, qui quovis alio efficacius et indeclinabilius a Spiritu sancto ducebantur, regebantur et movebantur in bonum, gratia efficaci caruerint, et quod in Christo non fuerit gratia Christi, quam tot annis et tot voluminibus propugnavit Augustinus. 2° Quia sequeretur quod bona opera Christi et Matris ejus non fuerint a Deo praevisa in suo decreto, sed in ipso usu eorum liberi arbitrii, per scientiam mediam, quodque Christi praedestinatio ad unionem hypostaticam, et beatissimae Virginis ad maternitatis Dei dignitatem, utriusque ad gloriam, non fuerit gratuita, contra expressam Augustini doctrinam, de Praedestinat. sanctorum, c. 15, n. 30 et 31.*

15 *It is confirmed* 2°. If Adam, because he suffered no rebellion in his lower appetite, had no need of efficacious grace for pious works, for instance to love God above all things, but versatile grace sufficed him, it follows that man regenerated in Christ likewise has no need of efficacious grace at that time when he is not assailed by any temptation of the lower appetite, as happens not rarely[2], according to Augustine, lib. VI contra Julian., c. 19, and as experience proves. For concupiscence which neither stimulates nor tempts is no more an impediment to the act of virtue than if it were not there at all.

Confirmatur 2°. *Si Adam, eo quod nullam pateretur rebellionem in appetitu inferiori, non indiguerit gratia efficaci ad pia opera, puta ad diligendum Deum super omnia, sed ipsi satis fuerit gratia versatilis, sequitur quod homo regeneratus*

Christo pariter non indigeat gratia efficaci tunc, quando nulla appetitus inferioris tentatione pulsatur, ut non raro contingit[2], juxta Augustinum, lib. VI contra Julian., c. 19, et experientia probat. Concupiscentia enim qua non stimulat nec tentat, non est magis impedimento ad actum virtutis, quam si non esset omnino.

16 [1]

[1] It has been proved in the tract. on Sins that this doctrine was defined as of faith by Pius IX, through the dogmatic bull Ineffabilis Deus.

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[1] Probatum est in tract. de Peccatis, hanc doctrinam fuisse definitam tamquam de fide a Pio IX, per bullam dogmaticam Ineffabilis Deus.

17 [2]

[2] Namely, that he is not assailed by actual temptation.

2

[2] Scilicet, eum actuali tentatione non pulsari.

18 But the consequent is false, even according to the adversaries. Therefore also the antecedent.

Atqui falsum consequens, etiam secundum adversarios. Ergo et antecedens.

19 *The objections are solved.*

Solvuntur objectiones.

20 The adversaries seek from Augustine the single foundation of their opinion from cap. 10, 11, 12 of the book de Correpт. et Grat. When the monks of Adrumetum asked why Adam should be blamed because he did not persevere, if indeed he had not the gift of perseverance, nor could it be said of him what Augustine had said of men in the state of fallen nature, that the gift of perseverance was denied him on account of original sin,

Unicum ex Augustino suae sententiae fundamentum petunt adversarii ex cap. 10, 11, 12 libri de Correpт. et Grat. Quaerentibus monachis Adrumetinis, cur Adam sit culpandus, quod non perseveraverit, si quidem non habuerit donum perseverantiae, nec de illo possit dici quod dixerat Augustinus de hominibus in statu naturae lapsae, denegatum fuisse illi donum perseverantiae propter peccatum originale,

21 The holy Doctor answers that Adam was nevertheless inexcusable and to be rebuked; because, although he had not efficacious aid for persevering, such as is given now to the predestinate, he nevertheless had sufficient aid, which was permitted to his will and whereby he could persevere if he willed, just as the good angels persevered with him by free will. And he adds the reason why he would not need efficacious aid, such as is given now; because his nature was sound and whole, whereas ours is weak and wounded, and therefore to be helped by mightier aid. Hence he concludes, cap. 12, n. 34: « The assistances themselves must be distinguished. One is the assistance without which something does not come about, and another is the assistance whereby something comes about... Therefore to the first man... was given the assistance of perseverance, not whereby it came about that he persevere, but without which he could not persevere by free will. Now indeed to the saints predestined to the kingdom of God by the grace of God there is given not such an assistance of perseverance, but such that perseverance itself be given to them. »

Respondet S. Doctor, Adamum nihilominus fuisse inexcusabilem et corripiendum; quia, licet non habuerit auxilium efficax ad perseverandum, quale datur nunc praedestinatis, habuit tamen auxilium sufficiens, quod erat permissum ejus voluntati et quocum perseverare posset, si vellet, sicut boni angeli cum illo per liberum arbitrium perseveraverunt. Additque rationem cur auxilio efficaci, quale nunc datur, non indigeret; quia nempe ejus natura erat sana et integra, cum nostra sit infirma et vulnerata, ideoque potentiori auxilio juvanda. Hinc concludit, cap. 12, n. 34 : « Ipsa adjutoria distinguenda sunt. Aliud est adjutorium sine quo aliquid non fit, et aliud est adjutorium quo aliquid fit... Primo itaque homini... datum est adjutorium perseverantiae, non quo fieret ut perseveraret, sed sine quo per liberum arbitrium perseverare non posset. Nunc vero sanctis in regnum Dei per gratiam Dei praedestinatis, non tale adjutorium perseverantiae datur, sed tale ut eis perseverantia ipsa donetur. »

22 This is the sum of the doctrine of Augustine in these three famous chapters. From it Jansenius infers that the difference between the present state and the state of innocence lies in this, that the grace proper to the state of innocence is the aid without which not, or sufficient grace only and versatile subjected to free will, nor was any grace per se efficacious necessary in it; but the grace proper to this present state is the aid whereby, or grace per se efficacious, on account of the infirmity of nature, nor is any grace merely sufficient given in it. And this is, as I have already warned, the poisoned root and origin of that heresy. The theologians who are called Augustinians infer the same, except that they acknowledge sufficient graces also for the present state.

Haec est summa doctrinae Augustini in his tribus famosis capitibus. Ex qua infert Jansenius, discrimen inter praesentem statum et statum innocentiae in eo situm esse, quod gratia propria statui innocentiae sit auxilium sine quo non, seu gratia sufficiens tantum et versatilis subdita libero arbitrio, nec ulla fuerit in eo necessaria gratia per se efficax; gratia autem propria huic praesenti statui sit auxilium quo, seu gratia per se efficax, propter infirmitatem naturae, nec ulla detur in eo sufficiens tantum. Et hoc est, ut jam monui, venenata radix et origo illius haeresis. Theologi qui dicuntur Augustiniani, idem inferunt, excepto quod agnoscant etiam pro presenti statu gratias sufficientes.

23 For the sound understanding of this doctrine of Augustine, our Thomists observe that not every efficacious aid is of the same condition and virtue: one is only moving and applying the power to act; another is not only moving and applying, but at the same time healing and strengthening. The first, they say, was necessary both to Adam and to the angels, by reason of dependence upon God in acting, not the second; because their nature, being sound and whole, had no need of medicinal and sanative aid, such as our nature, now weak and wounded, needs, and to which therefore an aid is necessary that is not only moving and applying, but also healing and strengthening: whereas Augustine, when he excludes from the state of innocent nature the aid whereby and efficacious, speaks of aid that heals and strengthens, not of aid that simply assists and applies. Which they gather plainly from his words, cap. 11, n. 29, where he says: « He [Adam] had no need of that assistance which these [the saints in this life] implore, when they say[1]: I see another law in my members, fighting against the law of my mind, and captivating me in the law of sin that is in my members. Unhappy man that I am! who shall deliver me from the body of this death? The grace of God, through Jesus Christ our Lord... But he, tried and troubled by no such struggle of himself against himself, enjoyed his peace with himself in that place of beatitude. » This distinction being laid down, they easily explain the phrases of Augustine which seem alien to our opinion.

Ad sanam hujus doctrinae Augustini intelligentiam, observant nostri Thomistae, non omne auxilium efficax esse ejusdem conditionis et virtutis : aliud est movens tantum et applicans potentiam ad agendum; aliud, non solum movens et applicans, sed simul sanans et roborans. Primum dicunt necessarium fuisse et Adamo et angelis, ratione dependentiae a Deo in agendo, non secundum; quia natura eorum cum esset sana et integra, non indigebat auxilio medicinali et

sanativo, quali indiget nunc nostra natura infirma et vulnerata, cui proinde est necessarium auxilium quod sit, non solum movens et applicans, sed etiam sanans et roborans : Augustinum vero, cum a statu naturae innocentis excludit auxilium quo et efficax, loqui de auxilio sanante et roborante, non de adjuvante simpliciter et applicante. Quod aperte colligunt ex ejus verbis, cap. 11, n. 29, ubi ait : « Ille [Adam] non opus habebat eo adjutorio quod implorant isti [sancti in hac vita], cum dicunt[1] : Video aliam legem in membris meis, repugnantem legi mentis meae, et captivantem me in lege peccati quae est in membris meis. infelix ego homo ! quis me liberabit de corpore mortis hujus ? Gratia Dei, per Jesum Christum Dominum nostrum... Ille vero nulla tali rixa de seipso adversus seipsum tentatus atque turbatus, in illo beatitudinis loco sua secum pace fruebatur. » Hac autem apposita distinctione, facile explicant phrases Augustini quae videntur alienae a nostra sententia.

24 Still more easily, if you observe further that God influences secondary causes in two ways: 1° By ordinary providence moving them, according to the condition of their forces, to effects proportioned to them. 2° By assisting them in a manner somewhat above the accustomed course of things and the condition of their forces, and by a special aid, whereby it comes about that by the power of God

Facilius adhuc, si ulterius observes, Deum duobus modis influere in causas secundas : 1° Per ordinariam providentiam eas movendo, secundum conditionem eorum virium, ad effectus ipsis proportionatos. 2° Eas adjuvando modo quodam supra consuetum rerum cursum et conditionem virium, ac speciali auxilio, quo fit ut per virtutem Dei

25 [1]

1 *Rom.*, VII, 23-25.

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1 Rom., *VII, 23-25.*

26 they effect something exceeding their own strength, and which would never be done by them under the accustomed aid only: as when through a few weak soldiers he routs an immense and strong army; as when to the woman, whose faculty of childbearing is weak and impeded according to the accustomed order of things and the condition of her forces, and who would bear either no offspring or none but a very weak one, he confers by special gift that she bring forth a stronger offspring than any fruitful woman.

efficiant aliquid excedens vires suas, et quod nunquam ab ipsis fieret sub consueto tantum auxilio : ut cum per paucos infirmosque milites ingentem et fortem exercitum profligat; cum mulieris, cujus gignendi facultas est infirma et impedita juxta consuetum rerum ordinem et suarum virium conditionem, vel nullam vel non nisi admodum infirmam prolem gigneret, speciali munere confert ut vegetiorem prolem, quam quaevis faecunda mulier, pariat.

27 Things done by the prior influence, according to the common manner of speaking, are not referred to him, but to the created active powers. Thus, that a sound and fruitful woman bear offspring, that a brave soldier conquer a cowardly enemy, that a sound man walk, speak, till the fields, plant vineyards — although these do not come to pass without the general concurrence of God, we nevertheless do not refer them to him, nor say that they are done by the aid of God, but by the proper powers of nature. But things done by secondary causes through some special power conferred freely by God beyond the condition of their natural powers and moving them, are said properly to be done by the aid of God, and are properly attributed to him as author, and not to the secondary causes. As that Jonathan with his armor-bearer routed so many thousands of men is attributed not to Jonathan himself nor to his valor, but to God specially assisting above the common course of things and the condition of natural powers. Likewise that a barren and unfruitful woman bear vigorous offspring by

special gift of God, as happened in Elisabeth, the mother of John the Baptist, is attributed not to her own power, but to God.

> *Quae fiunt ex priori influxu, secundum communem modum loquendi, non referuntur ad illum, sed ad vires activas creatas. Sic quod mulier sana et foecunda pariat, quod miles generosus vincat hostem imbellem, quod homo sanus ambulet, loquatur, colat agros, plantet vineas, licet hae non fiant sine generali Dei concursu, illi tamen ea non referimus, nec dicimus fieri ex Dei auxilio, sed per proprias vires naturae. At quae fiunt a causis secundis per virtutem aliquam specialem a Deo gratis ultra conditionem virium naturalium collatam et moventem, ea dicuntur proprie fieri per Dei auxilium, illique ut authori proprie tribuuntur, non vero causis secundis. Ut quod Jonathas cum suo armigero tot millia hominum profligaverit, non ipsi Jonathae nec ejus virtuti tribuitur, sed Deo adjuvanti specialiter supra communem rerum cursum atque conditionem virium naturalium. Similiter quod mulier sterilis et infoecunda speciali Dei munere pariat prolem vegetam, ut contigit in Elisabeth, matre Joannis Baptista, non virtuti propriae, sed Deo tribuitur.*

28 Hence plain is the doctrine of St. Augustine concerning the difference of the assistances of the state of innocent and fallen nature, even while saving the necessity of grace per se efficacious in both states. For innocent nature stood as a strong and sound nature, furnished with every faculty for doing good even supernatural: whence, according to the ordinary course of things and the condition of its forces, it could both do good and persevere in it; nay, it came about that the good angels performed this. When this is said, the motion and direction of general divine providence is not excluded, which takes place in every agent, as St. Thomas notes, Ia IIae, the whole q. 109 and elsewhere, and

> *Hinc plana est S. Augustini doctrina de discrimine adjutoriorum status natura innocentis et lapsae, etiam salva necessitate gratiae per se efficacis in utroque statu. Natura enim innocens se habebat ut natura fortis et sana, instructa omni facultate ad bonum etiam supernaturale agendum : unde, secundum ordinarium rerum cursum et conditionem virium suarum, et bonum agere et in eo perseverare poterat; imo effectum est ut angeli boni id praestiterint. Quod cum dicitur, non excluditur motio et directio generalis divinae providentiae, quae in omni agente locum habet, ut notat S. Thomas, 1a 2°, tota q. 109 et alibi, et*

On the Necessity of Grace

1 Augustine teaches this in the passages related in the proofs. Hence innocent nature could act and persevere just as it could with the powers given to it, as a fruitful and healthy woman can beget vigorous offspring, as a strong and armed soldier can conquer a cowardly and unarmed enemy, and as a healthy man can walk and speak; although this being so, it comes about by no means without the motion of God, which our Thomists explain through physical premotion, necessary for all second agents in whatever state. But man in this state, even justified by grace, stands to good and to perseverance as a weak cause, entangled with innumerable impediments : whence it comes about that, if he were provided for only according to the usual course of things and after the manner of his own condition, no one would persevere; and therefore to all those who persevere there is granted, through God's most special help, not only motion and direction according to the usual mode, but also healing, strengthening, and directing in a most special way, and, so to speak, holding man by the hand, so that, though weak amid so many temptations, he may persevere through the power of God.

> *docet Augustinus locis relatis in probationibus. Unde natura innocens cum collatis sibi viribus perinde agere ac perseverare poterat, at mulier foecunda et sana vegetam prolem gignere, ac miles fortis et armatus hostem ignavum et inermem vincere, et homo sanus ambulare et loqui; quamquam cum id sit, minime fiat absque Dei motione, quam nostri Thomistae explicant per physicam praemotionem omnibus agentibus secundis in quovis statu necessariam. At homo in*

hoc statu, etiam per gratiam justificatus, se habet ad bonum et ad perseverantiam ut causa infirma, innumerisque impedimentis implicata : ex quo fit ut, si solum secundum consuetum cursum rerum et juxta propriae conditionis modum ei provideretur, nemo perseveraret; et ideo iis omnibus qui perseverant, confertur per specialissimum Dei auxilium, non solum juxta consuetum modum movens et dirigens, sed etiam specialissimo modo sanans, roborans et dirigens, et, ut ita dicam, manu tenens hominem, ut, licet infirmus inter tot tentationes, perseveret per Dei virtutem.

2 Therefore, according to these observations, the answer is easy to those things which the adversaries object from Augustine, as may be seen in my former Work.

Igitur juxta has observationes facilis est responsio ad ea quae opponunt adversarii ex Augustino, ut videre est in priori nostro Opere.

What is understood by the name of grace?

1 I. Leaving aside the various acceptances of grace, here it is taken generally for whatever gift or benefit granted gratuitously, that is, out of mere benignity of God, not from justice or from our merits. Under this general acceptance of grace all natural gifts, namely nature itself and all its powers, can be called graces; for gratuitously God bestowed upon us to be, to live, to sense, to understand, to will, etc. These however, although in this wide sense they are called graces, cannot be called aids of grace, because aid supposes him who is helped and active powers which it helps.

I. Relictis variis gratiae acceptionibus, hic sumitur generaliter pro quocumque dono seu beneficio gratis, hoc est, ex mera Dei benignitate, non ex justitia aut ex meritis nostris concesso. Sub hac generali gratiae acceptione omnia dona naturalia, scilicet ipsa natura et omnes ejus potentiae, possunt dici gratiae; gratis enim Deus nobis contulit esse, vivere, sentire, intelligere, velle, etc. Haec tamen, etsi isto lato sensu dicantur gratiae, non possunt dici auxilia gratiae, quia auxilium supponit eum qui adjuvatur et potentias activas quas adjuvat.

2 II. Grace properly and in the common sense of Scripture and Church is taken for a gratuitous gift, whether habitual or actual, superadded to nature.

II. Gratia proprie et communi Scripturae atque Ecclesiae sensu accipitur pro dono gratuito, sive habituali sive actuali, natura superaddito.

3 III. This grace, both habitual and actual, is of twofold order, natural namely and supernatural: natural, which moves toward good within the sphere of naturals, as if God infuse light of natural science, or move specially to cognition of natural things; supernatural, which helps by habit or motion unto those things which exceed the forces of nature, as while God infuses habit of faith or charity, or moves to the act of either. Between each this aid can still be further distinguished by another, as it were medium, which participates something of both, namely that it be natural as regards substance and supernatural as regards mode, e.g., while Christ illumined the man born blind: for the mode of working this effect was above the forces of nature, although the effect, consequently through grace, is substantially within the order of nature; for that sight was not of another kind than the sight of other men.

III. Gratia haec, tam habitualis quam actualis, est duplicis ordinis, naturalis scilicet et supernaturalis : naturalis, quae movet ad bonum intra sphaeram naturalium, ut si Deus infundat lumen scientiae naturalis, aut moveat specialiter ad rerum naturalium cognitionem; supernaturalis, quae vel habitu vel motione adjuvat ad ea quae excedunt vires naturae, ut dum Deus infundit habitum fidei vel charitatis, aut movet ad alterutrius actum. Inter utrumque hoc auxilium potest adhuc distingui alterum, quasi medium, quod de utroque aliquid participat, scilicet ut sit naturale quoad substantiam et supernaturale quoad modum, v. g., dum Christus caecum natum illuminavit : modus namque operandi hunc effectum

fuit supra vires naturae, quamvis effectus, consequenter gratia, substantialiter sit intra ordinem naturae ; non enim iste visus fuit alterius rationis quam visus caeterorum hominum.

4 IV. Truly, because grace is divided against nature, grace resting precisely in natural good is less properly called grace: whence most properly is called grace either the supernatural habit infused, such as sanctifying grace and infused virtues, or the supernatural motion whereby God moves us as first mover in the order of grace to supernatural acts, or even that operation of God whereby he directs natural things to our salvation.

IV. Verum, quia gratia dividitur contra naturam, gratia praecise sistens in bono naturali minus proprie dicitur gratia : unde propriissime dicitur gratia, vel habitus supernaturalis infusus, ut gratia sanctificans et virtutes infusae, vel motio supernaturalis qua nos movet Deus ut primus motor in ordine gratiae ad actus supernaturales, vel etiam ea Dei operatio qua res naturales dirigit ad salutem nostram.

5 V. Grace taken for supernatural motion is twofold, moral and physical. Moral comes about by the showing forth of good, sometimes joined with infusion of light for perceiving it: it pertains to final cause. Physical comes about by an influx effectively and intrinsically reducing the faculty to act: it pertains to efficient cause. That God moves the will in both modes the Author teaches Iap., q. 105, a. 4, and elsewhere.

V. Gratia sumpta pro motione supernaturali est duplex, moralis et physica. Moralis fit per ostensionem boni, quandoque adjuncta infusione luminis ad illud percipiendum : pertinet ad causam finalem. Physica fit per influxum effective et intrinsece reducentem facultatem ad actum : pertinet ad causam efficientem. Deum utroque modo movere voluntatem, docet Auctor 1ap., q. 105, a. 4, et alibi.

6 VI. Physical motion is sometimes a mere application of preexisting power and virtue, as when God moves the will of the just to act of charity. Sometimes, although it be application of power, it is nevertheless not application of virtue, because it does not preexist, but brings it with itself by way of passage, as while God moves the will of a sinner to act of attrition or contrition; since indeed that act is supernatural, and in that sinner no supernatural habit yet exists, it is necessary that that motion beginning conversion bring with it some supernatural virtue, not by way of permanent habit, but by way of transient passion.

VI. Motio physica quandoque est mera applicatio potentiae et virtutis praeexistentis, ut cum Deus voluntatem justi movet ad actum charitatis. Quandoque, licet sit applicatio potentiae, non est tamen applicatio virtutis, quia non praeexistit, sed eam secum adfert per modum transeuntis, ut dum Deus voluntatem peccatoris movet ad actum attritionis aut contritionis ; cum enim iste actus sit supernaturalis, et in illo peccatore nullus adhuc habitus supernaturalis existat, necesse est ut illa motio conversionem inchoans secum adferat aliquam virtutem supernaturalem, non per modum habitus permanentis, sed per modum passionis transeuntis.

7 VII. That physical motion which is a mere application of preexisting power and virtue is again twofold: one general, whereby God as first and universal mover applies faculties according to their exigency and mode to acts proportioned to them; another special, whereby God sometimes applies the mind of man to thinking or willing things which, although they do not exceed his forces, nevertheless, according to the accustomed course and disposition of the subject, man would neither think nor will them, and this both in naturals and in supernaturals.

VII. Motio illa physica quae est mera applicatio potentiae et virtutis praeexistentis, iterum est duplex : una generalis, qua Deus ut primus et universalis motor applicat facultates secundum exigentiam et modum earum ad actus sibi

proportionatos; altera specialis, qua Deus quandoque mentem hominis applicat ad cogitanda vel volenda quae, licet non excedant ejus vires, tamen, secundum consuetum cursum et dispositionem subjecti, homo ea non cogitaret nec vellet, et hoc tam in naturalibus, quam in supernaturalibus.

8 VIII. General motion, whereby God as first and universal mover, both in order of nature and in order of grace, applies preexisting power and virtue, according to its exigency and the accustomed course of things, to acts proportioned to it, at first aspect seems not to pertain properly to special aid of grace, because it is given gratuitously, but from a certain connatural exigency: for as, collation of natural virtue supposed, there is owed to fire the motion or general concurrence premoving it to its proper act, to fire to burn, to sun to illuminate, so that without miracle it cannot be denied to it; so, although elevating virtue unto supernatural good has been given gratis to the just, that being supposed, there is owed in a certain way, according to common laws of Providence, the general motion applying it to acts proportioned to it.

VIII. Motio generalis qua Deus, ut primus et universalis motor, tam in ordine naturae quam in ordine gratiae, applicat potentiam et virtutem praeexistentem, secundum ejus exigentiam et consuetum rerum cursum, ad actus ipsi proportionatos, primo aspectu videtur non pertinere proprie ad auxilium speciale gratiae, quia non datur gratuito, sed ex connaturali quadam exigentia: sicut enim, supposita collatione virtutis naturalis, illi debetur motio seu concursus generalis ipsam praemovens ad actum proprium, ut igni ad comburendum, soli ad illuminandum, ita quod sine miraculo non possit illi denegari ; sic, quamvis justo data sit gratis virtus elevans ad bonum supernaturale, ea tamen supposita, debetur quodammodo juxta leges communes Providentiae, generalis motio illam applicans ad actus ipsi proportionatos.

9 Nevertheless, if we consider the matter more deeply, this general motion can and ought to be called in some true sense special aid of grace. For the understanding of this it must be observed that this general motion does not stand in the same mode in natural and voluntary agents. Natural agents have natural form whereby they are determined necessarily to one act suiting them, as fire to burn, sun to illuminate, and thus they demand general motion determining to the act proper to them. But voluntary agents have no natural form whereby they be determined necessarily to one act suiting them, but they are turnable to opposites and defectible from good connatural to them. Thus, although object of intellect be truth, of will in itself natural good, of will as instructed with infused virtues supernatural good; nevertheless intellect toward truth and will toward good whether natural or supernatural are borne flexibly and are defectible from it.

Altamen, si rem altius consideremus, haec motio generalis potest et debet aliquo vero sensu dici speciale auxilium gratiae. Pro cujus intelligentia observandum est, hanc motionem generalem non eodem modo se habere in agentibus naturalibus et voluntariis. Agentia naturalia habent naturalem formam qua determinantur necessario ad unum actum sibi convenientem, ut ignis ad comburendum, sol ad illuminandum, et sic exigunt motionem generalem determinantem ad actum sibi proprium. Agentia autem voluntaria non habent formam naturalem qua determinentur necessario ad unum actum sibi convenientem, sed vertibilia sunt ad opposita et defectibilia a bono sibi connaturali. Sic, licet objectum intellectus sit verum, voluntatis secundum se bonum naturale, voluntatis ut instructae virtutibus infusis bonum supernaturale; tamen intellectus ad verum et voluntas ad bonum sive naturale sive supernaturale feruntur flexibiliter et sunt ab illo defectibiles.

10 Whence, although general motion is owed to these powers whereby they sometimes attain their object, nevertheless not that they attain always and indefectibly. Therefore that this rather than that other be given to this one here and now, is from special grace.

Unde, quamvis istis potentiis debeatur motio generalis qua aliquando attingant suum objectum, non tamen ut attingant semper et indefectibiliter. Quod ergo hic et nunc isti detur potius quam alteri, est ex speciali gratia.

11 Wherefore, if this general motion be considered respectively to nature in itself or as instructed with infused virtues, it must be called general motion, and not special gratuitous aid; because to general providence pertains moving each agent according to its mode, and since in man there is inclination, attenuated indeed and defectible, yet not wholly corrupted, toward good, there is owed to him motion whereby he be sometimes moved to good act suiting himself, and not always to evil. Whence that he be moved sometimes to good is not aid purely gratuitous, because in a certain way it is owed; nor special, because it is not from special benevolence and providence, but according to laws of common providence whereby he sometimes moves defectible natures to good of their nature, sometimes permits them to fail. Say the same of will informed by charity, in respect of supernatural good. But if this motion be considered respectively to the man to whom it is given before another, then in respect of this man it can and ought to be called special aid of grace; because, although nature, as was said, demands sometimes to be moved into good, nevertheless this man before another demands not that he be moved into good here and now rather than another. Whence that he be moved into good from which another fails and from which he himself could fail, is from special aid of grace, that is, freely conferred.

Quapropter, si ista motio generalis consideretur respective ad naturam secundum se aut ut instructam virtutibus infusis, dicenda est motio generalis, et non auxilium speciale gratuitum ; quia ad providentiam generalem pertinet movere unumquodque agens secundum modum suum, et cum in homine sit inclinatio, attenuata licet et defectibilis, non tamen totaliter corrupta, ad bonum, illi debetur motio qua aliquando moveatur ad actum bonum sibi convenientem, et non semper ad malum. Unde quod moveatur aliquando ad bonum, non est auxilium pure gratuitum, quia quodammodo debetur ; neque speciale, quia non est ex speciali benevolentia et providentia, sed secundum leges communis providentiae qua naturas defectibiles quandoque movet ad bonum suae naturae, quandoque permittit deficere. Idem dic de voluntate informata charitate, respectu boni supernaturalis. Sed, si ista motio consideretur respective ad hominem cui datur prae alio, tunc respectu hujus hominis potest et debet dici speciale auxilium gratiae; quia, quamvis natura, ut dictum est, exigit quandoque moveri in bonum, non tamen hic homo prae altero exigit ut hic et nunc potius quam alter moveatur in bonum. Unde, quod moveatur in bonum a quo alter deficit et a quo ipse deficere poterat, est ex auxilio speciali gratiae, id est, gratis collato.

12 (This observation, which is open to anyone attending maturely, St. Thomas weighs and hands down, q. 24 de Veritate, a. 14, c, in these words: « Although man can do goods of this kind [namely proportionate to his nature] without grace gratum faciens, nevertheless he cannot do them without God, since nothing can issue into natural operation except by divine power; because secondary cause acts not except by power of first cause. And this is true both in natural agents and in voluntary ones. Yet this necessity stands in another mode in each. For God is cause of natural operation, inasmuch as he gives and conserves that which is principle of natural motion, as gravity in earth, which is principle of downward motion: » Although the Angelic Doctor mentions not general motion here, he nevertheless always supposes it and elsewhere expresses it.

(Hanc observationem, quae cuique mature attendenti pervia est, expendit et tradit S. Thomas, q. 24 de Veritate, a. 14, c, his verbis : « Quamvis hujusmodi bona [scilicet naturae suae proportionata] homo possit facere sine gratia gratum faciente, non tamen potest ea facere sine Deo, cum nulla res possit in naturalem operationem exire nisi virtute divina; quia causa secunda non agit nisi per virtutem causae primae. Et hoc verum est tam in naturalibus agentibus, quam in voluntariis. Tamen hoc alio modo habet necessitatem in utrisque. Operationis enim naturalis Deus est causa, in quantum

dat et conservat id quod est principium motus naturalis, sicut gravitatem in terra, quae est principium motus deorsum : » Licet hic Angelicus generalem motionem non memoret, eam tamen semper supponit et alibi exprimit.

13 That however this general motion does not suffice man that he act good connatural to himself, but that he needs special motion and direction, he explains thus pursuing: « But human will is not determined to any one operation, but stands indifferently toward many [that is, good and bad], and thus is after a manner in potency, unless moved through something active, either what is outwardly represented to it, as is good apprehended, or what is wrought interiorly in it, as is God himself, as Augustine says lib. de Gratia et libero Arbitrio, cap. 21, showing manifoldly God works in hearts of men. But all exterior motions [he says the same of interior ones] are moderated by divine providence according as he himself judges someone to be excited to good by these or those actions. Whence, if we wish to call grace of God not some habitual gift, but the very mercy of God, whereby he works interiorly the motion of mind and orders exterior things unto salvation of man; thus neither can man do any good without grace of God. » Therefore, according to St. Thomas, man, on account of indifference of human arbitrium, in order that he act good rather than evil, needs divine providence, which moderates motions to good according as it judges fitting, and mercy of God, whereby he works interiorly the motion of mind and orders exterior things to good. But no one can say this aid is owed to this man before another. Therefore it is gratuitous, because it is not given from merit, but from mercy. It is also special, because it is given not to all, however much in respect to nature in itself it be owed and general.

Hanc autem generalem motionem non sufficere homini ut agat bonum sibi connaturale, sed eum indigere speciali motione et directione, explicat sic prosequendo : « Sed voluntas hominis non est determinata ad aliquam unam operationem, sed se habet indifferenter ad multas [id est, bonas et malas], et sic quodammodo est in potentia, nisi mota per aliquid activum, vel quod ei exterius repraesentatur, sicut est bonum apprehensum, vel quod in ea interius operetur, sicut est ipse Deus, ut Augustinus dicit in lib. de Gratia et libero Arbitrio, cap. 21, ostendens multipliciter Deum operari in cordibus hominum. Omnes autem exteriores motus [idem dicit de interioribus] a divina providentia moderantur secundum quod ipse judicat aliquem esse excitandum ad bonum his vel illis actionibus. Unde, si gratiam Dei velimus dicere, non aliquod habituale donum, sed ipsam misericordiam Dei, per quam interius motum mentis operatur et exteriora ordinat ad hominis salutem; sic nec ullum bonum homo potest facere sine gratia Dei. » Ergo, juxta S. Thomam, homo, propter indifferentiam humani arbitrii, ut bonum potius quam malum agat indiget divina providentia, quae, secundum quod judicat convenire, moderatur motus ad bonum, et misericordia Dei, per quam interius motum mentis operatur et exteriora ordinat ad bonum. Nemo autem dicere potest hoc auxilium esse huic homini pro altero debitum. Ergo est gratuitum, quia non datur ex merito, sed ex misericordia. Est et speciale, quia non omnibus datur, quantumvis respective ad naturam secundum se sit debitum et generale.

14 This observation is altogether necessary for untying the difficulties, otherwise most intricate, of this dissertation. For it removes ambiguities and equivocations on account of which many stumble and are deluded, and reconciles the apparently contrary opinions of Thomists, as will appear from what must be said.

Haec observatio omnino necessaria est ad enodandas difficultates, alioquin intricasissimas, hujus dissertationis. Tollit namque ambiguitates et aequivocationes propter quas multi cespitant et deluduntur, conciliatque opiniones Thomistarum apparenter contrarias, ut patebit ex dicendis.

Whether man without grace can know anything true?

[1] *I suppose* as a certain principle, by which all difficulties concerning the necessity of grace must be removed, what Pope Coelestine defines, or whatever other author of the chapters attributed to him, cap. 12, namely: « From the work and favor of grace nothing at all is to be subtracted. » This principle, founded in Scripture, councils, Fathers and common sense, the Thomists explain with their Doctor [1]

[1] I. 1° part., q. 103, a. 3, c; IIa 2ae, q. 109, a. 1, c.

> Suppono *tamquam principium certum, quo omnes difficultates de necessitate gratiae debent dirimi, quod definit Coelestinus Papa, aut quivis alius Pontifex author capitulorum quae ipsi adscribuntur, cap. 12, scilicet : « Gratiae operi et dignationi nihil penitus subtrahendum est. » Hoc principium in Scripturis, conciliis, Patribus et communi sensu fundatum Thomistae cum suo Doctore*[1]
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> [1] *I. 1° part., q. 103, a. 3, c ; IIa 2ae, q. 109, a. 1, c.*

[2] thus, that God not only gave and preserves to man the virtues of acting well, but moves and applies them to act well; for in these two is contained whatsoever there is of being and good in an act.

> *sic explicant, quod Deus non solum homini dedit et conservat virtutes bene agendi, sed eas movet et applicat ad bene agendum; his enim duobus continetur quidquid est entis et boni in opere.*

[3] As to the knowledge of truth, truths are of two kinds, according as they look to the order of nature or to the supernatural order.

> *Quantum ad cognitionem veri, duplicis generis sunt veritates, secundum quod ad ordinem naturalem vel ad ordinem supernaturalem spectant.*

[4] Among natural truths some are, for the present state of union of soul with body, proportioned to our intellect, as those deduced from the senses or from principles known per se. Some surpass our capacity, either because they are impenetrable to the senses, or have no necessary connection with principles naturally known, as thoughts of hearts and future contingents, or because they are merely spiritual, as angelic substance. It is agreed that these latter cannot be known without special assistance of God, and of these there is no question, but only of the former.

> *Inter veritates naturales quaedam sunt, pro praesenti statu unionis animae ad corpus, intellectui nostro proportionata, ut quae ex sensibus vel ex principiis per se notis deducuntur. Quaedam captum nostrum superant, vel quia sunt sensibus imperviae, aut connexionem necessariam non habent cum principiis naturaliter notis, ut cogitationes cordium et futura contingentia, vel quia sunt mere spirituales, ut substantia angelica. Constat has posteriores non posse cognosci sine speciali Dei auxilio, et de his non est quaestio, sed de prioribus tantum.*

[5] Again, among natural truths some are merely speculative, which namely nowise look to practice, as: anything is or is not, the whole is greater than its part, there is no effect without cause. Some are practical, as: good is to be done, God is to be worshiped, parents are to be honored. Of natural truths of the first genus **I say** 1°: Man fallen can, without special grace superadded to nature, but with sole preceding general concourse — which nevertheless in some sense ought to be called special and gratuitous — know certain natural truths [1] This is against certain ancients and Vasquez.

[1] Here ibi, q. 109, a. 1, c.

Iterum inter veritates naturales quaedam sunt mere speculativa, quae scilicet nullo modo spectant ad praxim, ut : quodlibet est vel non est, totum est sua parte majus, non est effectus sine causa. Quaedam sunt practicae, ut : bonum est faciendum, Deus est colendus, parentes sunt honorandi. De veritatibus naturalibus prioris generis ***Dico*** *1° : Homo lapsus sine gratia speciali natura superaddita, sed cum solo concursu generali praevio, qui tamen aliquo sensu debet dici specialis et gratuitus, potest cognoscere quasdam veritates naturales*[1] *Est contra quosdam antiquos et Vasquez.*

[1] *Hic ibi, q. 109, a. 1, c.*

6 The first part is *proved*. Every form or virtue implanted by God in created things has efficacy with respect to some determinate act into which it can be borne according to its property. Ergo our intellect, even in the present state, having the form cognoscitive of truth, that is, intelligible light, though darkened by sin, yet not extinguished, can from itself know some truth. Add that otherwise the intellective potency, which is the most perfect of all potencies, would be the most imperfect.

Probatur *prima pars. Unaquaeque forma seu virtus rebus creatis a Deo indita, habet efficaciam respectu alicujus actus determinati, in quem potest ferri secundum suam proprietatem. Ergo intellectus noster, etiam in praesenti statu, habens formam veri cognoscitivam, hoc est, intelligibile lumen, licet per peccatum obscuratum, non tamen extinctum, potest ex se aliquam veritatem cognoscere. Adde quod aliter potentia intellectiva, quae est omnium potentiarum perfectissima, foret imperfectissima.*

7 The second part is *proved*. All motions, both corporeal and spiritual, are reduced to the first mover simply, which is God: and therefore, however perfect any corporeal or spiritual nature be posited, it cannot proceed to its act unless moved by God; which motion indeed is according to the reason of his providence, not according to the necessity of nature, as the motion of the heavenly body.

Probatur *secunda pars. Omnes motus, tam corporales quam spirituales, reducuntur in primum movens simpliciter, quod est Deus : et ideo, quantumcumque natura aliqua corporalis vel spiritualis ponatur perfecta, non potest in suum actum procedere, nisi moveatur a Deo; quae quidem motio est secundum suae providentiae rationem, non secundum necessitatem naturae, sicut motio corporis coelestis.*

8 The third part is *proved*, namely that this motion which we call general ought in some sense to be called special and gratuitous. For since our intellect is defectible and flexible toward assenting to true and false, there is due to it, according to the laws of common providence, that it sometimes be moved to truth and not always to falsehood; and in this sense the motion is general and in a manner owed, and therefore ought not to be called grace. But that he rather be moved to truth than another who falls short of him and by whom he himself could fall short, that is not due to him, but is from special providence and benevolence; and in this sense the motion can and ought to be called motion and special grace. — By this explanation the foundation of Vasquez, sought from the indifference of our intellect to assent to true and false, is overturned.

Probatur *tertia pars, scilicet quod haec motio quam dicimus generalem, aliquo sensu dici debeat specialis et gratuita. Cum enim intellectus noster sit defectibilis et flexibilis ad assentiendum vero et falso, illi debetur, secundum leges communis providentiae, ut aliquando moveatur in verum et non semper in falsum; et hoc sensu motio est generalis et quodam modo debita, ideoque non debet dici gratia. At quod ille potius moveatur ad verum quam alter qui ab eo deficit et a quo ipse deficere posset, id ipsi non debetur, sed est ex speciali providentia et benevolentia; et hoc sensu potest et debet dici motio et gratia specialis. — Hac explicatione evertitur fundamentum Vasquesii petitum ab indifferentia nostri intellectus ad assentiendum vero et falso.*

9 **I say** 2°: Fallen man cannot, without special grace superadded, with moral potency at least, know, whether collectively or divisively, all natural truths, both speculative and speculative-practical, much less practical-practical ones.

> ***Dico*** *2° : Homo lapsus absque gratia speciali superaddita non potest, potentia saltem morali, cognoscere sive collective sive divisive omnes veritates naturales tam speculativas quam speculative-practicas, a fortiori practice-practicas.*

10 I said 1° « with moral potency at least. » A twofold potency is distinguished, namely physical, which has of itself due proportion with the object, abstracting from impediments to attaining it; moral, which besides due proportion with the object, is not entangled or retarded by impediments so as not to pass into act.

> *Dixi 1° « potentia saltem morali. » Duplex enim distinguitur potentia, scilicet physica, quae habet ex se debitam proportionem cum objecto, abstrahendo ab impedimentis illud attingendi ; moralis, quae praeter debitam cum objecto proportionem, nullis impedimentis irretitur aut retardatur ne in actum exeat.*

11 I said 2° « speculative-practical truths, » which although they look to practice do not move to act, as are the general principles of synderesis, or the habit of the principles of things to be done, and universal propositions which pertain to moral philosophy, as: good is to be done, God is to be worshiped. Practical-practical truths move in particular to act, as: parents are to be honored here and now by such an act. On account of the acts which proceed from them, these latter truths pertain to the following articles, in which will be treated the necessity of grace for operating any good whatsoever. Here therefore must be treated only of truths merely speculative and speculative-practical.

> *Dixi 2° « veritates speculative-practicas, » quae, quamvis spectent ad praxim, ad actum tamen non movent, ut sunt principia generalia syndereseos, seu habitus principiorum agibilium, et propositiones universales quae pertinent ad philosophiam moralem, ut : bonum est faciendum, Deus est colendus. Veritates practice-practicae movent in particulari ad actum, ut : parentes sunt hic et nunc per talem actum honorandi. Ratione actuum qui ex iis procedunt, istae posteriores veritates pertinent ad sequentes articulos, in quibus tractabitur de necessitate gratiae ad quodcumque bonum operandum. Hic ergo agendum est tantum de veritatibus mere speculativis et speculative-practicis.*

12 The first part is *proved*, namely concerning knowledge of all natural truths collectively.

> Probatur *prima pars, scilicet de cognitione omnium veritatum naturalium collective.*

13 1° A weak and wounded potency cannot produce an act most excellent for a sound and whole potency. Yet to know all natural truths collectively is an act most excellent of a sound and whole intellect; but human intellect is wounded and weakened by sin. Ergo. Whence St. Thomas, IV Contra gentes, cap. 52, speaking of the spiritual punishments of original sin, says: « Among the spiritual ones is the chief weakness of reason, from which it happens that man arrives with difficulty at knowledge of truth and easily slips into error, and cannot altogether overcome bestial appetites, but is often obscured by them. » And here a. 3, ad 3: « Human nature is more corrupted through sin with regard to appetite for good than with regard to knowledge of truth. » Ergo it is corrupted also with regard to knowledge of truth, though less.

> *1° Potentia infirma et laesa non potest producere actum excellentissimum potentiae sanae et integrae. Atqui cognoscere collective omnes veritates naturales, est actus excellentissimus intellectus sani et integri; intellectus autem humanus est per peccatum laesus et infirmus. Ergo. Unde S. Thomas, IV Contra gentes, cap. 52, de poenis spiritualibus peccati*

originalis loquens, dicit : « Inter spirituales est potissima debilitas rationis, ex qua contingit quod homo difficulter pervenit ad veri cognitionem et de facili labitur in errorem, et appetitus bestiales omnino superare non potest, sed multoties obnubilatur ab eis. » Et hic a. 3, ad 3 : « Magis est natura humana corrupta per peccatum quantum ad appetitum boni, quam quantum ad cognitionem veri. » Ergo corrupta est etiam quantum ad cognitionem veri, licet minus.

14 2° The intellective faculty in fallen man is entangled by many impediments, lest he be able to attain every truth taken collectively without error. The first is brevity of life, at whose beginning man is little apt for intellectual operations, and the almost infinite multitude of natural truths. Second, weakness of body and imperfection of the senses, upon which cognition depends, which are first less prompt, then are weakened by long and intense study. Third, the duties of civil life, domestic care, necessities of nature, whereby the greatest part of life is spent and the mind is drawn away from study of truth. Fourth, disorder of passions, by which reason is obscured, love of truth grows torpid and delight in contemplation.

2° Facultas intellectiva in homine lapso multis impedimentis irretitur, ne possit omne verum collective sumptum sine errore attingere. Primum est brevitas vitae, in cujus initio homo parum aptus est ad operationes intellectuales, et infinitas prope veritatum naturalium multitudo. Secundum, infirmitas corporis et imperfectio sensuum, a quibus pendet cognitio, qui primum minus expediti, deinde diuturno et acri studio debilitantur. Tertium, vitae civilis officia, cura domestica, necessitates naturae, quibus maxima pars vitae absumitur et a studio veritatis mens avocatur. Quartum, deordinatio passionum, quibus ratio obnubilatur, torpet amor veritatis et delectatio contemplationis.

15 Yet these defects must needs be compensated by superior assistance, that man may be able to obtain even knowledge of natural truths collectively. Ergo.

Atqui hos defectus auxilio superiori compensari necesse est, ut homo etiam veritatum naturalium cognitionem collective assequi possit. Ergo.

16 The second part is *proved*, concerning knowledge of any natural truths whatsoever divisively, by nearly the same reasons.

Probatur *secunda pars, de cognitione quarumcumque veritatum naturalium divisive, eisdem ferme rationibus.*

17 1° A wounded will cannot do any good moral work without special grace, as will be proved below. Ergo similarly a wounded intellect cannot know any truth without special grace.

1° Voluntas vulnerata non potest absque gratia speciali quodcumque opus bonum morale facere, ut infra probabitur. Ergo similiter intellectus vulneratus non potest sine gratia speciali quodcumque verum cognoscere.

18 2° There are natural truths most difficult, which cannot be understood certainly and integrally without long and intense study, for which are required a constantly upright will, burning love of truth, delight in contemplation, quiet of passions, firmness and good disposition of the senses, and leisure free from cares. Yet all these are not had in the present state, as was said in the proof of the first part. Ergo.

2° Sunt veritates naturales difficillimae, quae certo et integre intelligi non possunt sine diuturno et acri studio, ad quod requiruntur voluntas constanter recta, ardens veritatis amor, delectatio contemplationis, quies passionum, firmitas et bona dispositio sensuum et otium curis vacuum. Atqui haec omnia non habentur in praesenti statu, ut dictum est in probatione primae partis. Ergo.

19 As to supernatural truths,

Quantum ad veritates supernaturales,

20 **I say** 1°: Fallen man, external preaching or revelation supposed, can, with sole preceding general concourse, without special grace superadded, know and embrace supernatural truths with imperfect assent, from some human motive. This is common opinion.

***Dico** 1° : Homo lapsus, supposita praedicatione seu revelatione externa, potest cum solo praevio concursu generali, sine gratia speciali superaddita, cognoscere et amplecti veritates supernaturales assensu imperfecto, ex aliquo motivo humano. Est communis.*

21 The first part is *proved*. That external revelation must be supposed and is necessary the Apostle teaches, *Rom.*, IX, 14, saying: *How shall they believe him whom they have not heard? And how shall they hear without a preacher?* And it is evident; because we can know nothing in the present state except what falls under the senses per se or through another. Yet supernatural truth, since it has no connection with the works of nature, does not fall under the senses per se nor through another. Ergo it must be learned from another teaching.

Probatur *prima pars. Supponendam et necessariam esse externam revelationem, docet Apostolus,* Rom., *IX, 14, dicens :* Quomodo credent ei quem non audierunt? Quomodo autem audient sine praedicante? *Et patet; quia nihil possumus cognoscere in praesenti statu, nisi quod cadit sub sensibus per se vel per aliud. Atqui verum supernaturale, cum nulla habeat connexionem cum operibus naturae, non cadit sub sensibus per se nec per aliud. Ergo ab alio docente discendum est.*

22 The second part is *proved*, which similarly is evident. Supernatural truth, inasmuch as it stands under a human or natural motive, although it be entitatively supernatural, nevertheless formally in the character of object is not supernatural; because the object is constituted formally in the character of object through the motive or formal reason under which it is attained. Ergo, external revelation supposed, he can believe from a human motive by his own powers. And this appears in heretics, who believe by human faith certain mysteries of faith, not from the supernatural motive of divine revelation — otherwise they would believe everything — but either from their own judgment, or because they esteem such faith honorable or useful to themselves.

Probatur *secunda pars, quae similiter patet. Verum supernaturale, prout subest motivo humano seu naturali, licet entitative sit supernaturale, in ratione tamen objecti formaliter non est supernaturale; quia objectum in ratione objecti formaliter constituitur per motivum seu rationem formalem sub qua attingitur. Ergo, supposita revelatione externa, potest ex motivo humano propriis viribus credere. Idque patet in haereticis, qui fide humana credunt quaedam mysteria fidei, non ex motivo supernaturali divinae revelationis, alias omnia crederent, sed vel ex proprio judicio, vel quia hujusmodi fidem sibi honorificam aut utilem aestimant.*

23 **I say** 2°: Man cannot believe supernatural truths from the motive of divine revelation without special internal grace, both on the part of the intellect and on the part of the will [1] This is against Pelagians, Semi-Pelagians and certain theologians who say that fallen man can assent by his own powers with natural assent to supernatural truths from the motive of divine revelation.

[1] Here q. 109, a. 1, c.

***Dico** 2° : Homo non potest credere veritates supernaturales ex motivo supernaturali divinae revelationis sine gratia speciali interna, tam ex parte intellectus, quam ex parte voluntatis[1] Est contra Pelagianos, Semi-Pelagianos et quosdam theologos, qui dicunt, hominem lapsum posse propriis viribus assentiri assensu naturali veritatibus supernaturalibus ex motivo divinae revelationis.*

[1] *Hic q. 109, a. 1, c.*

24 The first part is *proved*, namely that supernatural grace is required on the part of the intellect, 1° from Scripture. *Matth.*, XI, 27: *No one knoweth the Son but the Father; neither doth any one know the Father but the Son, and he to whom it shall please the Son to reveal him.* Ibid. XVI, 17, to Peter professing his faith in Christ, Christ himself says: *Blessed art thou, Simon Bar-Jona, because flesh and blood hath not revealed it to thee, but my Father who is in heaven. Ephes.*, II, 8 and 9: *For by grace you are saved through faith, and that not of yourselves, for it is the gift of God: not of works, that no man may glory.* Ergo.

Probatur *prima pars, nempe requiri gratiam supernaturalem ex parte intellectus, 1° ex Scriptura.* Matth., *XI, 27 :* Nemo novit Filium, nisi Pater, neque Patrem quis novit, nisi Filius, et cui voluerit Filius revelare. *Ibid. XVI, 17, Petro suam fidem in Christum profitenti, dicit ipse Christus :* Beatus es, Simon Bar-Jona, quia caro et sanguis non revelavit tibi, sed Pater meus, qui in coelis est. Ephes., *II, 8 et 9 :* Gratia estis salvati per fidem, et hoc non ex vobis, Dei enim donum est : non ex operibus, ut ne quis glorietur. *Ergo.*

25 2° By reason. The act of faith whereby we assent to supernatural truths from the motive of divine revelation is supernatural. Ergo the intellect cannot elicit it unless assisted by supernatural assistance. — Prob. ant. The object of this act or assent is formally and in the character of object supernatural: for the object quod, namely truth itself, is in itself supernatural; the object quo, that is, the motive or formal reason under which it is attained, is also supernatural, namely divine revelation. Yet an object formally supernatural, qua such, cannot be attained except through supernatural act. Ergo. And hence is overturned the foundation of Molina, who says that assent of faith from the motive of divine revelation is as to substance natural, and supernatural only as to mode.

2° Ratione. Actus fidei quo assentimur veritatibus supernaturalibus ex motivo divinae revelationis, est supernaturalis. Ergo intellectus non potest illum elicere, nisi adjutus auxilio supernaturali. — Prob. ant. Objectum hujus actus seu assensus est formaliter et in ratione objecti supernaturale : objectum quod enim, nempe ipsa veritas, est in se supernaturale; objectum quo, id est, motivum seu ratio formalis sub qua, est etiam supernaturale, scilicet divina revelatio. Atqui objectum supernaturale formaliter, qua tale, non potest attingi nisi per actum supernaturalem. Ergo. Et hinc evertitur fundamentum Molina, qui dicit, assensum fidei ex motivo divinae revelationis esse quoad substantiam naturalem, et supernaturalem tantum quoad modum.

26 The second part is proved, namely that supernatural grace is required also on the part of the will. To believe supernatural truths from the motive of divine revelation there is required a pious motion of will which efficaciously moves the intellect to such assent. Yet the will cannot efficaciously move to a supernatural act, such as is assent to the truths of faith from the motive of divine revelation, by its own powers, without supernatural assistance. Ergo. — Prob. maj. In this natural truths differ from supernatural, that natural ones can be evident either of themselves or by reason of medium, and thus convince the intellect and extort its assent without motion, at least free, of the will; but revealed supernatural truths are evident neither of themselves nor by reason of revelation, and consequently do not convince the intellect nor obtain its assent, unless the intellect be specially moved to this assent by the will.

Probatur secunda pars, scilicet etiam requiri gratiam supernaturalem ex parte voluntatis. Ad credendum veritates supernaturales ex motivo supernaturali divinae revelationis, requiritur pia motio voluntatis quae efficaciter moveat intellectum ad talem assensum. Atqui voluntas non potest suis viribus, sine auxilio supernaturali, movere efficaciter ad actum supernaturalem, qualis est assensus veritatibus fidei ex motivo divinae revelationis. Ergo. — Prob. maj. In hoc differunt veritates naturales a supernaturalibus, quod naturales possint esse vel ex seipsis vel ratione medii evidentes,

sicque convincunt intellectum et ejus assensum extorquent absque motione, saltem libera, voluntatis; at veritates supernaturales revelatae neque ex seipsis neque ratione revelationis sunt evidentes, proindeque non convincunt intellectum, nec ejus assensum obtinent, nisi ad hunc assensum intellectus specialiter a voluntate moveatur.

Whether fallen man can do or will any good without grace?

1 (That supernatural good cannot be done without supernatural help is evident from the preceding article and from the terms. For this very fact that it is supernatural, it surpasses the powers of nature; consequently it needs a help superadded to the powers of nature. The question therefore concerns the moral good of the natural order, concerning which there is a threefold difficulty to be discussed here. First: whether without justifying grace and charity any morally good work can be done? Second: whether without faith? Third: whether without special actual grace?

(Bonum supernaturale non posse fieri absque auxilio supernaturali, constat ex art. praecedenti et ex terminis. Hoc ipso enim quod est supernaturale, superat vires naturae; consequenter indiget auxilio superaddito viribus naturae. Quaestio est itaque de bono morali ordinis naturalis, circa quam est triplex difficultas hic discutienda. Prima: an sine gratia justificante et charitate possit fieri aliquod bonum opus morale? Secunda: an sine fide? Tertia: an sine gratia speciali actuali?

2 **§ I.** *Whether in this state a morally good work can be done without sanctifying grace and charity?*

§ I. An possit fieri in hoc statu bonum opus morale sine gratia sanctificante et charitate?

3 **I say**: In this state a morally good work can be done without sanctifying grace and charity, and consequently not all the works of sinners are sins!

Dico*: Potest fieri in hoc statu bonum opus morale sine gratia sanctificante et charitate, proindeque non omnia peccatorum opera sunt peccata!*

4 The conclusion is decided of faith against the heretics of our time [1].

1 I, 2ae, q. 65, a. 2 et 4, c; 2. 2a 2ae, q. 10, a. 4, c; de Malo, q. 2, a. 5, ad 1.

Conclusio est de fide contra haereticos nostri temporis decisa[1].

1 I, 2ae, q. 65, a. 2 et 4, c; 2. 2a 2ae, q. 10, a. 4, c; de Malo, q. 2, a. 5, ad 1.

5 It was established 1° in the Council of Constance, session XV, against Wyclif and John Hus, whose article condemned is this: « From the principles of faith it is per se known that whatever man does in mortal sin, he sins mortally. » 2° In the Council of Trent, against Luther and Calvin, session VI, canon 7: « If anyone says that all works done before justification, by whatever reason they are done, are truly sins, or merit the hatred of God, or that the more vehemently anyone strives to dispose himself to grace, the more gravely he sins: let him be anathema. » And canon 8: « If anyone says that the fear of gehenna, through which we take refuge grieving for our sins to the mercy of God, or abstain from sinning, is itself a sin, or makes sinners worse; let him be anathema. » And session XIV on the sacrament of Penance, chapter 4, defines attrition as « not only making a man a hypocrite and more a sinner, but truly a gift of God and an impulse of the Holy Spirit, not yet indeed dwelling, but only moving, by which the penitent helped prepares a way for himself to justice... and disposes to obtain the grace of God in the sacrament of Penance. » And canon 5, under anathema it condemns him who shall have said that that contrition « ...is not true and useful sorrow, nor prepares for grace, but makes a man a hypocrite and more a sinner. » 3° By the supreme Pontiffs St. Pius V, Gregory XIII and

Urban VIII, who condemned the following propositions of Michael Baius: « Everything that the sinner or servant of sin does is a sin. » It is 35. « Every love of rational creature is either a vicious cupidity by which the world is loved, which John forbids, or that laudable charity by which, diffused through the heart by the Holy Spirit, God is loved. » It is 38. « In all his acts the sinner serves dominating cupidity. » It is 40. Likewise by Clement XI, who condemned the following propositions of Quesnel: « There are only two loves, whence all our volitions and actions are born: the love of God, which does all things for God, and which God rewards, and the love with which we love ourselves and the world, which refers not to God what ought to be referred to him, and by that very fact becomes evil. » It is 44. « The love of God is not granted in the heart of sinners; it is a new judgment upon them. » It is 59. Many other propositions of the same author infected with the same error were fastened with the same condemnation.

> *Fuit statuta 1° in concilio Constantiensi, sess. XV, adversus Wiclefum et Joannem Hus, quorum iste articulus damnatur: « Ex principiis fidei est per se notum, quod quidquid homo in peccato mortali fecerit, peccat mortaliter. » 2° In concil. Trident., contra Lutherum et Calvinum, sess. VI, can. 7: « Si quis dixerit, opera omnia quae ante justificationem fiunt, quacumque ratione facta sint, vera esse peccata, vel odium Dei mereri, aut quanto vehementius quis nititur se disponere ad gratiam, tanto eum gravius peccare; anathema sit. » Et can. 8: « Si quis dixerit, gehennae metum, per quem ad misericordiam Dei de peccatis dolendo confugimus, vel a peccando abstinemus, peccatum esse, aut peccatores pejores facere; anathema sit. » Et sess. XIV de sacramento Poenitentiae, cap. 4, definit attritionem, « non solum non facere hominem hypocritam et magis peccatorem, verum etiam donum Dei esse et Spiritus sancti impulsum, non adhuc quidem inhabitantis, sed tantum moventis, quo poenitens adjutus viam sibi ad justitiam parat.... et ad Dei gratiam in sacramento Poenitentia impetrandum disponit. » Et can. 5, sub anathemate damnat eum qui dixerit, « eam contritionem... non esse verum et utilem dolorem, nec praeparare ad gratiam, sed facere hominem hypocritam et magis peccatorem. » 3° A summis Pontificibus S. Pio V, Gregorio XIII et Urbano VIII, qui sequentes propositiones Michaelis Baii damnarunt: « Omne quod agit peccator vel servus peccati, peccatum est. » Est 35. « Omnis amor creaturae rationalis, aut vitiosa est cupiditas qua mundus diligitur, quae a Joanne prohibetur, aut laudabilis illa charitas qua per Spiritum sanctum in corde diffusa Deus amatur. » Est 38. « In omnibus suis actibus peccator servit dominanti cupiditati. » Est 40. Pariter a Clemente XI, qui damnavit sequentes Quesnelli propositiones: « Non sunt nisi duo amores, unde volitiones et actiones omnes nostrae nascuntur: amor Dei, qui omnia agit propter Deum, quemque Deus remuneratur, et amor quo nos ipsos ac mundum diligimus, qui quod ad Deum referendum est non refert, et propter hoc ipsum fit malus. » Est 44. « Amore Dei in corde peccatorum non illis conceditur, est novum in eos judicium. » Est 59. Plures aliae ejusdem authoris propositiones eodem errore infectae, eadem damnatione fuerunt confixa.*

6 Before all these St. Thomas went, especially q. 2 de Malo, a. 5, ad 7, where among other things he resolved authoritatively, « that it is simply false that every act which is not from a will informed by charity is demeritorious. Otherwise those who are in mortal sin would sin in every act of theirs, nor would it be counselled them that meanwhile they do whatever good they can; nor would the works done by them which are of the genus of goods dispose them to grace: all which things are false. »

> *His omnibus praeivit S. Thomas, praesertim q. 2 de Malo, a. 5, ad 7, ubi inter caetera decretorie resolvit, « esse simpliciter falsum quod omnis actus qui non est ex voluntate informata charitate sit demeritorius. Alioquin illi qui sunt in peccato mortali, in quolibet suo actu peccarent, nec eis esset consulendum quod interim quidquid boni possent, facerent; nec opera ab eis facta quae sunt de genere bonorum, disponerent eos ad gratiam: quae omnia sunt falsa. »*

7 It is proved by another reason. An evil principle in the agent does not infect his action unless he acts from it, just as a good principle does not dignify his action unless he acts from it. But the sinner

does not always act from the evil principle of cupidity, just as the just man does not always act from the good principle of charity, as when he sins venially. Therefore.

> *Probatur alia ratione. Principium malum in agente non inficit ejus actionem, nisi agat ex illo, sicut principium bonum non cohonestat ejus actionem, nisi agat ex illo. Atqui peccator non semper agit ex malo principio cupiditatis, sicut justus non semper agit ex principio bono charitatis, ut dum peccat venialiter. Ergo.*

8 From these you will infer that, although no medium is given between charity and cupidity with respect to the person — for man is either just or a sinner — nevertheless with respect to his action a medium is given, inasmuch as it proceeds from the good principle of nature, which is neither charity nor cupidity.

> *Ex his inferes quod, quamvis non detur medium inter charitatem et cupiditatem respectu personae, est enim homo justus vel peccator, datur tamen respectu ejus actionis, quatenus procedit a principio bono naturae, quod non est neque charitas neque cupiditas.*

9 Can any morally good work be done without faith?

> *Utrum sine fide possit fieri aliquod opus moraliter bonum?*

10 **I say**: Man without the grace of faith can do some morally good work [1]. Whence not all the works of infidels are sins.

[1] 2a 2ae, q. 10, a. 4, c.

> ***Dico**: Homo sine gratia fidei potest aliquod opus morale bonum facere[1]. Unde non omnia infidelium opera sunt peccata.*
>
> *[1] 2a 2ae, q. 10, a. 4, c.*

11 It is against Jansenius, lib. III de Statu naturae lapsae, and against Baius, whose proposition 25 is this: « All the works of infidels are sins, and the virtues of philosophers are vices. » It was condemned by the supreme Pontiffs St. Pius V, Gregory XIII and Urban VIII.

> *Est contra Jansenium, lib. III de Statu naturae lapsae, et contra Baium, cujus haec propositio 25: « Omnia infidelium opera sunt peccata, et philosophorum virtutes sunt vitia. » Est damnata a summis Pontificibus S. Pio V, Gregorio XIII et Urbano VIII.*

12 It is proved 1° by Scripture, which exhorts infidels to good works. Thus Daniel, chapter IV, 24, addressing king Nabuchodonosor, says: *My counsel be pleasing to thee, and redeem thou thy sins with alms.* But Scripture does not exhort to doing evil, nor are sins redeemed by sins.

> *Probatur 1° Scriptura, quae hortatur infideles ad bona opera. Sic Daniel, cap. IV, 24, alloquens regem Nabuchodonosor, dicit:* Consilium meum placeat tibi, et peccata tua eleemosynis redime. *Scriptura autem non hortatur ad male operandum, nec peccata peccatis redimuntur.*

13 Likewise Scripture praises certain deeds of infidels and testifies that they were rewarded by God. Thus *Exodi*, I, 17-21, praises the kindness of the Egyptian midwives, who refused to kill the children of the Hebrews according to the iniquitous command of Pharao, for which cause, God dealt well with the midwives, and because they feared God, he built them houses, that is, granted them abundant offspring. Josue II and vi, the hospitality of Rahab the harlot, who refused to betray the men sent by Josue, is praised and rewarded. But God neither praises nor rewards sins, but punishes. Therefore.

Item Scriptura quaedam facta infidelium laudat et ea a Deo fuisse remunerata testatur. Sic Exodi, *I, 17-21, laudat benignitatem obstetricum Aegyptiarum, quae noluerunt pueros Hebraeorum interficere secundum iniquum Pharaonis mandatum, quam ob causam, bene fecit Deus obstetricibus, et quia timuerunt Deum, aedificavit eis domos, id est, prolem copiosam concessit. Josue II et vi, hospitalitas Rahab meretricis, quae viros a Josue missos prodere noluit, laudatur et remuneratur. Atqui Deus nec laudat nec remunerat peccata, sed punit. Ergo.*

14 It is proved 2° from Augustine, whose mind the holy Doctor discusses, de Spiritu et littera, chapter 27, n. 47, says: « Yet certain deeds [of infidels] we either read, or know, or hear, which according to the rule of justice we cannot not only vituperate, but even deservedly and rightly praise: although, if they be examined with what end they are done, scarcely are found such as deserve the due praise and defense of justice. » It is plain that Augustine in these words acknowledges in infidels certain good works, not only from the object, as Jansenius contends, but also with the end considered; for he who says « scarcely are found, » grants that sometimes they are found, albeit rarely. Nor does Augustine only assert this, but even proves it. « Because, he says, the image of God in the human soul is not so far worn away by the defilement of earthly defects that no last lineaments remain in it, whence it could deservedly be said that even in the very impiety of her life she does some things of the law or understands them. »

Probatur 2° ex Augustino, de cujus mente disputatur S. Doctor, de Spiritu et littera, cap. 27, n. 47, ait: « Quaedam tamen facta [ab infidelibus] vel legimus, vel novimus vel audimus, quae secundum justitiae regulam non solum vituperare non possumus, verum etiam merito recteque laudamus: quamquam, si discutiantur quo fine fiant, vix inveniuntur quae justitiae debitam laudem defensionemve mereantur. » Palam est Augustinum his verbis agnoscere in infidelibus quaedam bona opera, non solum ex objecto, ut contendit Jansenius, sed etiam spectato fine; qui enim dicit « vix inveniri, » concedit aliquando inveniri, etsi raro. Neque solum id asserit Augustinus, sed etiam probat. « Quia, inquit, non usque adeo in anima humana imago Dei terrenorum defectuum labe detrita est, ut nulla in ea velut lineamenta extrema remanserint, unde merito dici posset etiam in ipsa impietate vitae suae facere aliqua legis vel sapere. »

15 It is proved 3° by the reasoning of both holy Doctors Augustine and Thomas. He [the infidel] can do something of natural good, in which the good of nature is not fully extinguished. But the good of nature, namely the natural inclination to the good of reason, the principles of synderesis and of natural equity, or, as Augustine says, the image of God, although attenuated and obscured in infidels, is nevertheless not totally destroyed, or utterly swallowed up by consummate malice, as in demons. Therefore.

Probatur 3° ratione utriusque S. Doctoris Augustini et Thomae. Ille potest facere aliquid boni naturalis, in quo non est plene extinctum bonum naturae. Atqui bonum naturae, scilicet naturalis inclinatio ad bonum rationis, principia synderesis et aequitatis naturalis, seu, ut dicit Augustinus, imago Dei, licet sit attenuatum et obscuratum in infidelibus, non est tamen totaliter destructum, aut per malitiam consummatam penitus absorptum, ut in daemonibus. Ergo.

16 It is confirmed 1°. A faithful just man, still on the way, not yet confirmed in good, does not always act from the dominant habit of faith and justice, but sometimes sins in lighter matters. Therefore likewise the infidel, still on the way, not yet confirmed in evil, does not always act from the dominant habit of infidelity, but can at times do well in lighter matters. — The consequence is evident; because thus stands the will of the infidel toward evil, as the will of the faithful just man toward good.

Confirmatur 1°. Fidelis justus, in via nondum in bono confirmatus, non semper agit ex habitu dominante fidei et justitiae, sed aliquando in levioribus peccat. Ergo pariter infidelis, in via nondum confirmatus in malo, non semper agit

ex habitu dominante infidelitatis, sed potest quandoque in levioribus bene agere. — Patet consequentia; quia sic se habet voluntas infidelis ad malum, sicut voluntas fidelis justi ad bonum.

17 It is confirmed 2°. Every sin merits punishment, and thereby man becomes worse. But the infidel who honors his parents from natural piety, or pays his debts from natural equity, does not merit punishment, nor thereby become worse. Therefore.

Confirmatur 2°. Omne peccatum meretur poenam, et eo homo fit deterior. Atqui infidelis qui ex naturali pietate honorat parentes, aut ex naturali aequitate solvit debita, non meretur poenam, nec eo fit deterior. Ergo.

18 **§ III.** *Whether fallen man can do some moral good of the natural order without special actual grace?*

§ III. Utrum homo lapsus possit facere aliquod bonum morale ordinis naturalis sine speciali gratia actuali?

19 **I say**: Fallen man, with the sole general concourse, without any other superadded help of grace, can do some morally good work of the natural order [1]. This general concourse however can and ought to be called in some sense a special help of grace.

1 Here q. 109, a. 2, c.

***Dico**: Homo lapsus cum solo concursu generali, sine aliquo alio superaddito gratiae auxilio, potest facere aliquod bonum opus morale naturalis ordinis[1]. Iste tamen concursus generalis potest et debet dici aliquo sensu speciale auxilium gratiae.*

1 Hic q. 109, a. 2, c.

20 The first part is proved [2]. Human nature is not totally corrupted by sin, so as to be deprived of the whole good of nature. Therefore it can, by the virtue remaining to its nature, under the general concourse of God, easily do some morally good work; just as a sick man can by himself have some motion, but cannot be moved perfectly unless healed.

2 Ibid.

Probatur prima pars[2]. Natura humana per peccatum non est totaliter corrupta, ut scilicet toto bono naturae privetur. Ergo potest, per virtutem relictam suae naturae, sub concursu Dei generali, aliquod bonum opus morale facile facere; sicut homo infirmus potest per seipsum aliquem motum habere, sed non potest perfecte moveri, nisi sanetur.

2 Ibid.

21 The second part is proved and explained. According to what I said art. 1 of this dissert., n. 8, this concourse or motion of God general can be considered in two ways: 1° respectively to nature in itself; 2° respectively to this or that individual of this nature, to whom it is given before another.

Probatur et explicatur secunda pars. Juxta ea quae dixi art. 1 hujus dissert., n. 8, iste concursus seu motio Dei generalis potest considerari dupliciter: 1° respective ad naturam secundum se; 2° respective ad hoc vel illud individuum hujus naturae, cui prae alio datur.

22 Considered respectively to nature in itself, it ought not to be called a special nor gratuitous help, but general, whereby God moves each one according to its mode. For since the good of reason in nature is not totally corrupted, nor is the will confirmed in evil, as in demons, but only attenuated and convertible to good and evil, it does not require the common influx whereby it is always moved to evil, but sometimes to good conformable to reason. And therefore that it is sometimes moved to good is not a merely gratuitous help, because it is in a manner owed; nor special, because it is not

from a special grace and providence, but according to the laws of common providence, which sometimes moves natures defectible and convertible to good and evil to the good of their nature, sometimes permits them to fail.

> *Considerata respective ad naturam secundum se, non debet dici auxilium speciale nec gratuitum, sed generale, quo Deus movet unumquodque secundum suum modum. Cum enim bonum rationis in natura non sit totaliter corruptum, nec voluntas sit confirmata in malo, sicut in daemonibus, sed attenuata tantum et vertibilis in bonum et in malum, non exigit influxum communem quo semper moveatur in malum, sed quandoque in bonum rationi conforme. Et ideo quod quandoque moveatur in bonum, non est auxilium mere gratuitum, quia quodammodo debetur; neque speciale, quia non est ex speciali gratia et providentia, sed secundum leges communis providentiae, quae naturas defectibiles et vertibiles in bonum et malum quandoque movet ad bonum suae naturae, quandoque permittit deficere.*

23 But considered respectively to the individual to whom it is given before another, it ought to be called a special and gratuitous help; because, although it be owed to nature that it be sometimes moved to good, yet that this man be moved here and now to good before another is not owed to him rather than to the other who is permitted to fail, just as he himself could fail. Whence it is to him gratuitous, because not owed, and special, because from a special benevolence and providence.

> *Considerata vero respective ad individuum cui prae altero datur, debet dici auxilium speciale et gratuitum; quia, quamvis naturae debeatur ut aliquando moveatur in bonum, quod tamen hic homo moveatur hic et nunc in bonum prae altero, non debetur illi potius quam alteri qui permittit deficere, sicut ipse deficere poterat. Unde est illi gratuitum, quia non debitum, et speciale, quia ex speciali benevolentia et providentia.*

24 This distinction being posited, the discord of the Thomists in this part is reconciled, which can be only about a name.

> *Haec distinctione posita, conciliatur in hac parte discordia Thomistarum, quae non potest esse nisi de nomine.*

25 Likewise various texts of Scripture, of councils, of the holy Fathers, especially apparently contrary ones of St. Thomas, are reconciled, so that it would be superfluous to expound them. And thence we have that it was truly said by councils and Fathers, singularly by Augustine, that whatsoever good things are done, whether by infidels, or by the faithful, or by sinners, or by the just, as great as small, as supernatural as natural, are gifts of God, and are to be referred to his special and gratuitous help; consequently necessity of prayer and thanksgiving has place in all these, and of all can be truly said with the Apostle, *I Cor.*, IV, 7: *Who distinguisheth thee? And what hast thou that thou hast not received?*

> *Item conciliantur varii textus Scripturae, conciliorum, SS. Patrum, praesertim S. Thomae apparenter contrarii, ita ut supervacaneum sit illos exponere. Indeque habemus vere dictum esse a conciliis et Patribus, singulariter ab Augustino, quaecumque bona fiunt, sive ab infidelibus, sive a fidelibus, sive a peccatoribus, sive a justis, tam magna quam parva, tam supernaturalia quam naturalia, esse dona Dei, atque ejus auxilio speciali et gratuito esse referenda, consequenter necessitatem orationis et gratiarum actionis in his omnibus habere locum, et de omnibus posse vere dici cum Apostolo,* I Cor.*, IV, 7:* Quis te discernit? Quid autem habes, quod non accepisti?

26 *You will ask* why this proposition of Baius, n. 27, was condemned: « Free will without the help of the grace of God avails only to sin, » while this other one: « No one has of himself except sin and lying, » was asserted by the second Council of Orange, canon 22, since both seem to have the same meaning.

> Petes *cur damnata fuerit haec propositio Baii, n. 27: « Liberum arbitrium sine gratiae Dei adjutorio nonnisi ad peccandum valet, » dum haec altera: « Nemo habet de suo nisi peccatum et mendacium, » fuit asserta a concilio*

Arausicano II, can. 22, cum utraque sensum eumdem habere videatur.

27 *I answer.* I deny that both propositions have the same meaning; for the proposition of the council extends more widely than the proposition of Baius. The sense of the proposition of the council is, that no one has of himself, evidently thus, that in no way has he received from God, not even as first mover, except sin and lying. And this is true; for man is said to have of himself that which is so proper to him and has from himself, that in no way has he from God; and therefore this title was prefixed to the cited canon: « Of those things which are proper to men. » Thus however man has only sin, which is so much from man, but not from God. But the proposition of Baius extends less widely, especially in the sense of Baius, not only because by the name of grace simply and properly so called he understands supernatural grace given through Christ, but especially because Baius by grace understood sanctifying grace. The sense therefore of the Baian proposition is: Free will without grace properly so called, yea without sanctifying grace, avails only to sin. Which is false, as we have seen.

Resp. *Nego utramque propositionem sensum eumdem habere; magis enim late patet propositio concilii quam propositio Baii. Sensus propositionis concilii est, neminem habere de suo, sic nimirum ut nullatenus acceperit a Deo, nequidem ut primo motore, nisi peccatum et mendacium. Et hoc est verum; illud enim homo dicitur habere de suo, quod ei sic proprium est et a semetipso habet, ut nullo modo habeat a Deo, et ideo canoni laudato fuit praefixus hic titulus: « De his quae hominum sunt propria. » Sic autem homo solum habet peccatum, quod tantum est ab homine, sed non a Deo. Propositio autem Baii minus late patet, maxime in sensu Baii, non solum quia nomine gratiae simpliciter et proprie dictae intelligitur gratia supernaturalis data per Christum, sed maxime quia Baius per gratiam intelligebat gratiam sanctificantem. Sensus ergo propositionis Baianae est: Liberum arbitrium sine gratia proprie dicta, imo sine gratia sanctificante, nonnisi ad peccandum valet. Quod est falsum, ut vidimus.*

On the necessity of grace for the natural love of God above all things, affective as well as effective, and for avoiding sins

1 The question is not of natural innate love, which is like a natural weight toward the good proper to each, nor of elicited necessary love, such as is found even in brutes, nor of free inefficacious love, which is only complacence in the goodness of God, not bringing forward means to please God, nor removing impediments of sins; but of free and amicable efficacious natural love: and this is twofold, effective and affective. Love efficacious affectively only is a simple act of the will whereby man refers himself and all things to God as last end, with the resolve of pleasing him in all things and removing all things that displease him; which is to love God above all things appreciatively. Love efficacious effectively is not a single act, but the execution of the said resolve, or actual observance of the natural commandments: if of all, it is called effective simply; if of some only, effective secundum quid.

Quaestio non est de amore naturali innato, qui est veluti naturale pondus in bonum cuique proprium, neque de amore elicito necessario, qualis reperitur etiam in brutis, neque de amore libero inefficaci, qui est solum complacentia de bonitate Dei, non inferens media ad placendum Deo, neque removens impedimenta peccatorum; sed de amore naturali libero et amicabili efficaci: et hic est duplex, effectivus et affectivus. Amor efficax affective tantum, est simplex actus voluntatis quo homo se et omnia refert in Deum ut ultimum finem, cum proposito ipsi per omnia placendi et removendi omnia quae ipsi displicent; quod est Deum super omnia appretiative amare. Amor efficax effective non est singularis actus, sed est executio dicti propositi, seu actualis observantia mandatorum naturalium: si omnium, dicitur effectivus simpliciter; si aliquorum tantum, effectivus secundum quid.

2 **I say** 1°: Fallen man cannot by the sole forces of nature, without repairing grace, love God above all things with affective efficacious love [1].

[1] Here q. 109, a. 3, c.

> ***Dico*** *1°: Homo lapsus non potest solis naturae viribus, sine gratia reparante, diligere Deum super omnia dilectione affective efficaci*[1].
>
> [1] *Hic q. 109, a. 3, c.*

[3] It is proved [2]. A faculty infirm, corrupted and curved toward its own good contrary to the divine, cannot exercise toward God the most excellent act of a sound faculty unless healed. But the will of fallen man is infirm and curved toward its own good contrary to the divine; and to love God above all things with efficacious affective love is the most excellent act of a sound faculty; for it contains virtually the fulfillment of the whole natural law, and makes the will right concerning every appetible thing. Therefore.

[2] Ibid.

> *Probatur*[2]*. Potentia infirma, corrupta et curvata in bonum proprium contrarium divino, non potest exercere erga Deum actum praestantissimum potentiae sanae, nisi sanetur. Atqui voluntas hominis lapsi est infirma et curvata ad bonum proprium contrarium divino, et amare deum super omnia amore efficaci affective est actus praestantissimus potentiae sanae; continet enim virtualiter totius legis naturalis impletionem, et voluntatem efficit rectam circa omne appetibile. Ergo.*
>
> [2] *Ibid.*

[4] **I say** 2°: Fallen man cannot without repairing grace love God with efficacious effective love, that is, fulfill the whole natural law as to substance [1].

[1] Ibid., a. 4, c.

> ***Dico*** *2°: Homo lapsus non potest sine gratia reparante amare Deum amore efficaci effective, hoc est, adimplere totam legem naturalem quoad substantiam*[1].
>
> [1] *Ibid., a. 4, c.*

[5] It is proved from the principles laid down. 1° A sick man cannot of himself perform the most excellent work of a sound man unless healed. But to fulfill the whole natural law is the most excellent work of a sound man. Therefore.

> *Probatur ex principiis positis. 1° Homo infirmus non potest ex se praestare opus praestantissimum hominis sani, nisi sanetur. Atqui adimplere totam legem naturalem est opus praestantissimum hominis sani. Ergo.*

[6] 2° The will averted from the end cannot be right concerning all the means; for the order of means depends upon the order to the end. But the will of sinful man is averted from the end, namely from God as natural author. Therefore.

> *2° Voluntas aversa a fine non potest esse recta circa omnia media; ordo enim mediorum pendet ex ordine ad finem. Atqui voluntas hominis peccatoris est aversa a fine, nempe a Deo, ut authore naturali. Ergo.*

[7] 3° There are certain precepts which fallen man cannot keep without grace, as the first and greatest commandment of the love of God above all things, as is evident from the preceding conclusion: likewise the confession of faith amid the most atrocious torments.

> *3° Sunt quaedam praecepta quae homo lapsus servare non potest sine gratia, ut primum et maximum mandatum de dilectione Dei super omnia, ut constat ex conclusione praecedenti: item confessio fidei inter atrocissima tormenta.*

8 **I say** 3°: Fallen man, existing in mortal sin, without a special grace of God superadded, cannot long avoid all mortal sins against the natural law, nor overcome all temptations [2].

2 Ibid., a. 8, c.

> ***Dico** 3°: Homo lapsus, in peccato mortali existens, sine speciali Dei gratia superaddita non potest diu vitare omnia peccata mortalia contra legem naturalem, et omnes tentationes vincere*[2].
>
> 2 *Ibid., a. 8, c.*

9 The Author seems to have held the opposite in II Sentent., dist. 28, q. 1, a. 2, c. Some interpret him of physical power; but, the text attentively inspected, it is said more truly with others that he retracted himself here in his Summa, which, as being his last work, is to be followed.

> *Author videtur tenuisse oppositum in II Sentent., dist. 28, q. 1, a. 2, c. Quidam ipsum interpretantur de potentia physica; sed, textu attente inspecto, verius dicitur cum aliis quod se retractaverit hic in sua Summa, cui, utpote ultimo ejus operi, standum est.*

10 The conclusion follows from the preceding conclusion; because, as was said, fallen man cannot without grace observe all precepts. Therefore neither avoid all mortal sins; for mortal sin is nothing else than transgression of a precept. But moreover besides.

> *Conclusio sequitur ex conclusione praecedenti; quia, sicut dictum est, homo lapsus non potest sine gratia observare omnia praecepta. Ergo nec vitare omnia peccata mortalia; peccatum mortale enim nihil est aliud quam transgressio praecepti. Sed et insuper.*

11 It is proved [1]. That man may long avoid all mortal sins and overcome all temptations, he ought to have his heart converted to the last end, namely God, and adhering to him so firmly that he wills to be separated from him for no good to be obtained, or evil to be avoided. But man existing in sin not only has not his heart firmly adhering to God, but is averted from him, and converted to changeable good as to an end. Therefore.

1 Ibid.

> *Probatur*[1]*. Ut homo diu vitet omnia peccata mortalia et vincat omnes tentationes, debet habere cor conversum ad ultimum finem, scilicet Deum, et ita firmiter illi inhaerens, ut pro nullo bono consequendo, vel malo vitando, ab eo separari velit. Atqui homo in peccato existens, non solum non habet cor firmiter Deo adhaerens, sed est ab illo aversum, et ad bonum commutabile, ut ad finem, conversum. Ergo.*
>
> 1 *Ibid.*

12 **I say** 4°: The just man with the ordinary helps of grace, without special privilege, can avoid each venial sin; he cannot however long avoid all [2].

2 Ibid.

> ***Dico** 4°: Homo justus cum ordinariis gratiae auxiliis, sine speciali privilegio, potest vitare singula peccata venialia; non potest tamen diu vitare omnia*[2].
>
> 2 *Ibid.*

13 The first part is certain [3]; because, if man could not avoid each venial sin without special privilege, which is neither given nor offered, those sins would not have the account of voluntary, nor of sin, or man would be bound to the impossible.

[3] Ibid.

> *Prima pars est certa[3]; quia, si homo non posset vitare singula peccata venialia sine speciali privilegio, quod nec datur, nec offertur, ista peccata non haberent rationem voluntarii, nec peccati, aut homo obligaretur ad impossibile.*
>
> [3] *Ibid.*

[14] The second part is proved from the Council of Trent, sess. VI, can. 23: « If anyone says that a man once justified... can throughout the whole life avoid all sins, even venial ones, except by a special privilege of God, as the Church holds concerning the Blessed Virgin: let him be anathema. »

> *Probatur secunda pars ex concil. Trid., sess. VI, can. 23: « Si quis hominem semel justificatum dixerit... posse in tota vita peccata omnia, etiam venialia, vitare, nisi ex speciali Dei privilegio, quemadmodum de B. Virgine tenet Ecclesia; anathema sit. »*

[15] It is proved [4] 2°. Although sanctifying grace heals man as to the mind, there remains nevertheless the corruption of the sensitive appetite, whence disordinate motions against reason very frequently arise. But reason, although it can repress individual motions (whence they have, as was said, the account of sin and voluntary), cannot nevertheless repress all, because while it strives to resist one, very often another arises; nor can reason be always vigilant to avoid and curb motions of this kind. Therefore.

[4] Ibid.

> *Probatur[4] 2°. Quamvis gratia sanctificans sanet hominem quantum ad mentem, remanet tamen corruptio appetitus sensitivi, unde exsurgunt frequentissime inordinati motus contra rationem. Atqui ratio, licet possit reprimere singulos (ex quo habent, ut dictum est, rationem peccati et voluntarii), non potest tamen reprimere omnes, quia dum uni resistere nititur, saepissime alius insurgit, neque ratio potest semper esse pervigil ad hujusmodi motus vitandos et coercendos. Ergo.*
>
> [4] *Ibid.*

[16] If therefore any venial sin whatever be considered severally and in itself, man can avoid it with the ordinary helps of grace; and when thus they occur to be avoided, of them thus to be avoided the precept is given. But, if one after another be considered, and so continued long, and at the same time there be attended to, on the one side, the force, multitude and frequency of temptations, on the other side, the infirmity of the natural powers which are wearied by continual combat, it cannot be done, morally speaking, but that man fail in some indeterminate matter; for this continuation imports the greatest difficulty, to overcome which there is required a most special grace whereby the instability of free choice is confirmed, the infirmity healed, the fatigue refreshed and the distaste mitigated. And because this impotence regards no determinate sin, but something indeterminate and in confusion, it is said that man can avoid all things divisively, that is, each one considered in itself and separately, not all collectively, that is, one after another, continuing unto the last. From these the arguments from reason are solved.

> *Si ergo consideretur quodlibet peccatum veniale seorsim et secundum se, potest homo cum auxiliis ordinariis gratiae illud vitare, et cum sic occurrant vitanda, de illis sic vitandis datur praeceptum. At, si consideretur unum post aliud, et sic diu continuando, et simul attendatur, ex una parte, vis, multitudo et frequentia tentationum, ex alia parte, infirmitas potentiarum naturalium quae ex continua pugna fatigantur, fieri non potest, moraliter loquendo, quin homo in aliquo indeterminate deficiat; haec enim continuatio summam importat difficultatem, ad quam vincendam requiritur specialissima gratia qua arbitrii instabilitas firmetur, sanetur infirmitas, recreetur fatigatio et leniatur fastidium. Et*

quia haec impotentia non respicit aliquod peccatum determinate, sed aliquod indeterminate et in confuso, dicitur quod homo possit omnia vitare divisive, id est, quodlibet secundum se et seorsim consideratum, non omnia collective, id est unum post aliud, continuando usque ad ultimum. Ex his solvuntur argumenta a ratione.

17 *You will say*: If man cannot avoid all venial sins without a special privilege, which God is not prepared to give, then he is necessitated to commit some. Therefore, committing it, he does not sin; for no one sins in what he cannot avoid, as Augustine says, lib. III de Lib. arbit., c. 18, n. 50 [1].

1 There Augustine put the question: « Is there so great a fallacy that it can by no means be guarded against? If it is so, there are no sins; for who sins in what can by no mode be avoided? » He answers: « But sin is committed; therefore it can be guarded against. » Which is to be understood of each sin, even venial.

Dices*: Si homo non possit omnia peccata venialia vitare sine speciali privilegio, quod Deus non est paratus dare, ergo ad aliquod committendum necessitatur. Ergo, illud committendo, non peccat; nemo enim peccat in eo quod vitare non potest, ut ait Aug., lib. III de Lib. arbit., c. 18, n. 50*[1].

[1] *Ibi posuit Aug. quaestionem: « An tanta fallacia est, ut caveri omnino non possit? Si ita est, nulla peccata sunt; quis enim peccat in eo quod nullo modo caveri potest? » Respondet: « Peccatur autem; igitur caveri potest. » Quod est intelligendum de quolibet peccato, etiam veniali.*

18 *I answer.* I distinguish the first consequent. Therefore to the commission of some venial sin vaguely and indeterminately he is necessitated — I concede; to some particular and determinate one — I deny. Whence likewise I deny the second consequent. For that sin be imputed to man, it suffices that he can avoid each one determinately in itself and as it offers itself here and now, although he be necessitated to some vague and indeterminate one, or, as it is commonly said, although he cannot avoid all collectively. Thus Christ said, *Matth.*, XVIII, 7: *It is necessary that scandals come;* but, because this necessity is vague, nor affects anyone determinately, deservedly is blamed he who gives scandal [2].

2 Whence there is added: Nevertheless woe to that man by whom the scandal comes!

Resp. *Dist. primum consequens. Ergo ad aliquod peccatum veniale committendum vage et indeterminate necessitatur, conc.; ad aliquod particulare et determinatum, nego. Unde pariter nego secundum consequens. Ut enim homini imputetur peccatum, sufficit quod possit quodlibet determinate secundum se et prout se offert hic et nunc vitare, licet ad aliquod vage et indeterminate necessitetur, seu, ut communiter dicitur, licet non omnia collective possit vitare. Sic Christus dixit,* Matth.*, XVIII, 7:* Necesse est ut veniant scandala*; sed, quia haec necessitas est vaga, nec quemquam determinate afficit, merito culputur qui scandalum praebet*[2].

[2] *Unde additur: Verumtamen vae homini illi per quem scandalum venit!*

19 *You will insist* 1°: God commands to avoid all venial sins. Therefore man can avoid all.

Inst. *1°: Deus praecipit vitare omnia peccata venialia. Ergo homo potest omnia vitare.*

20 *I answer.* I distinguish the antecedent. God commands all venial sins to be avoided by a precept indistinct from the precepts of individuals — I concede; by a distinct precept — I deny. For since all do not occur together, nor are all avoided except by avoiding individuals, in vain would the precept of avoiding all be employed, distinct from the precepts of avoiding individuals.

Resp. *Dist. ant. Deus praecipit vitare omnia peccata venialia praecepto indistincto a praeceptis singulorum, conc.; praecepto distincto, nego. Cum enim omnia simul non occurrant, nec omnia vitentur nisi vitando singula, frustra adhiberetur praeceptum vitandi omnia, distinctum a praeceptis vitandi singula.*

21 *You will ask* whether and to whom has been granted a special privilege of immunity from every sin, even venial.

> Petes *an et cui concessum fuerit speciale privilegium immunitatis ab omni peccato, etiam veniali.*

22 *I answer.* Certainly it was granted to Blessed Mary the Virgin, and more probably to no other.

> Resp. *Certo concessum fuit B. Mariae Virgini, et probabilius nulli alteri.*

23 The first part is proved 1° from the Council of Trent cited above, where, after it was defined « that a man once justified cannot throughout the whole life avoid all sins, even venial ones, except by a special privilege of God, » there is added: « As the Church holds concerning the Blessed Virgin. » Therefore.

> *Probatur prima pars 1° ex concilio Trident. supra cit., ubi, postquam definitum fuit « hominem semel justificatum non posse in tota vita peccata omnia, etiam venialia, vitare, nisi ex speciali Dei privilegio, » additur: « Quemadmodum de B. Virgine tenet Ecclesia. » Ergo.*

24 2° From Augustine lib. de Natura et Gratia, chapter 36, n. 42, saying: « Excepting the holy Virgin Mary, concerning whom, on account of the honor of the Lord, I will have no question whatsoever raised when sin is treated of. »

> *2° Ex Augustino lib. de Natura et Gratia, cap. 36, n. 42, dicente: « Excepta sancta Virgine Maria, de qua, propter honorem Domini, nullam prorsus, cum de peccatis agitur, haberi volo quaestionem. »*

25 3° By reason. Sin, even venial, arises from the fomes of sin born of original sin. But, since Blessed Mary the Virgin was preserved immune from original sin in her very conception, in her the fomes of sin was altogether extinguished. Therefore.

> *3° Ratione. Peccatum, etiam veniale, de fomite peccati ex originali peccato nato oritur. Atqui, cum ab originali peccato B. Maria Virgo in ipsa conceptione sua fuerit praeservata immunis, in ea fomes peccati fuit omnino extinctus. Ergo.*

26 The second part is at least urged. 1° Because without sufficient foundation no one ought to be excepted from the general rule of Sacred Scripture affirming in many places that there is no man who does not sin. But we have no foundation, neither in the Fathers, nor in councils, nor in Sacred Scripture, for excepting anyone from this general rule, besides the Blessed Virgin. Therefore.

> *Secunda pars saltem suadetur. 1° Quia sine sufficienti fundamento nemo est excipiendus a regula generali S. Scripturae pluribus in locis affirmantis quod nullus est homo qui non peccet. Nullum autem habemus fundamentum, neque in Patribus, neque in conciliis, neque in S. Scriptura, aliquem ab hac generali regula excipiendi, praeter B. Virginem. Ergo.*

27 2° Augustine, answering Pelagius asserting that several men and women whom he named had been altogether without sin, among whom he counted Joseph the spouse of Mary, after the words just cited adds: « This Virgin therefore excepted, if we could gather together all those holy men and women while they lived here and interrogate them whether they were without sin, what think we they would have answered? Whether this which he [Pelagius] says, or that which John the apostle? I ask you, of whatsoever excellence of sanctity they were in this body, if this could have been asked, would they not with one voice have cried out, *I. Ioann.*, I, 8: *If we say that we have no sin, we deceive ourselves, and the truth is not in us?* Or would they perhaps have answered that more humbly than more truly? But this [which he says] now pleases him [Pelagius], and rightly pleases, « to place the praise of humility in part, not falsity. » Therefore, if they said this truly, they would have sin; which because

they confessed humbly, truth would be in them. But if they lied about this, nevertheless they would have sin, because truth would not be in them. » Since indeed nothing has been defined concerning this or that saint, e.g., concerning John the Baptist or Joseph spouse of the Blessed Virgin, negatively or affirmatively, as to total immunity from sin, the same Doctor, lib. *de Spiritu et littera*, after again expounding his opinion, proceeds: « Nay, even if there is no one, or was, or will be, who is perfected in such purity — which rather I believe — and yet that there is, or was, or will be such a one is defended and thought, as far as I can judge, not much error, nor perniciously is anyone deceived with a certain benevolence: provided that he who thinks this, think not himself to be such, unless he has truly and clearly perceived himself to be such. »)

> *2° Augustinus, respondens Pelagio plures viros et foeminas, quos nominabat, omnino sine peccato fuisse asserenti, inter quos Joseph Virginis Mariae sponsum connumerabat, post verba modo citata addit: « Hac ergo Virgine excepta, si omnes illos sanctos et sanctas, cum hic viverent, congregare possemus et interrogare, utrum essent sine peccato, quid fuisse responsuros putamus? utrum hoc quod iste [Pelagius] dicit, an quod Joannes apostolus? Rogo vos, quantalibet fuerint in hoc corpore excellentia sanctitatis, si hoc interrogari potuissent, nonne una voce clamassent,* I. Ioann.*, I, 8 :* Si dixerimus quia peccatum non habemus, nos ipsos decipimus, et veritas in nobis non est ? *An illud humilius responderent fortasse quam verius? Sed huic [Pelagio] jam placet, et recte placet [quod ipse dicit], « laudem humilitatis in parte non ponere falsitatis. » Itaque, hoc si verum dicerent, haberent peccatum ; quod humiliter quia faterentur, veritas in eis esset. Si autem hoc mentirentur, nihilominus haberent peccatum, quia veritas in eis non esset. » Quoniam vero nihil de hoc vel illo sancto, v. g., de Joanne Baptista aut de Joseph sponso B. Virginis, definitum fuit, negative vel affirmative, quantum ad omnimodam immunitatem a peccato, idem Doctor, lib.* de Spiritu et littera*, postquam suam sententiam iterum exposuit, prosequitur : « Quin, etiamsi nemo est, aut fuit, aut erit, quod magis credo, tali puritate perfectus, et tamen esse, aut fuisse, aut fore defenditur et putatur, quantum ego judicare possum, non multum erratur, nec perniciose, cum quadam quisque benevolentia fallitur : si tamen qui hoc putat, se ipsum talem esse non putet, nisi revera ac liquido talem se esse perspexerit. »)*

Whether man can prepare himself for grace without grace?

1 The Pelagians, denying original sin, said that man could by his own powers do good works by which he would merit first grace. The Semi-Pelagians, admitting original sin, said that by his own powers he could do, if not a good work, at least the beginning of a good work, at whose sight, as it were out of occasion, God would confer first grace. Louis Molina, in the *Concordia*, disp. 10, teaches that God will never deny grace to one who makes good use of his natural faculty, not indeed by merit of the natural work, but by reason of a pact entered into between God and Christ, that to him who does what in him lies from the powers of nature, grace should infallibly be given. Against whom:

> *Pelagiani, negantes peccatum originale, dicebant hominem posse propriis viribus bona opera facere, quibus mereretur primam gratiam. Semi-Pelagiani, admittentes peccatum originale, dicebant posse propriis viribus facere, si non bonum opus, saltem initium boni operis, cujus intuitu, tamquam ex occasione, Deus conferret primam gratiam. Ludovicus Molina, in* Concordia*, disp. 10, docet bene utenti facultate naturali, Deum nunquam denegaturum gratiam, non quidem ex merito operis naturalis, sed ex pacto inter Deum et Christum inito, ut facienti quod in se est ex viribus naturae, infallibiliter detur gratia. Contra quos :*

2 **I say** : Fallen man can do nothing whatever that disposes him in any way to grace, whether actual or habitual, unless he be prevented by the aid of actual grace[1].

[1] Here q. 109, o; q. 112, a. 3, o.

***Dico** : Homo lapsus nihil prorsus facere potest quod ipsum quovis modo disponat ad gratiam, sive actualem sive habitualem, nisi auxilio gratiae actualis praeveniatur*[1].

[1] *Hic q. 109, o; q. 112, a. 3, o.*

3 It is proved 1° from Scripture. Prov., VIII, it is said : *The will is prepared by the Lord*[2] ; which Augustine everywhere urges against the Pelagians and Semi-Pelagians. To the Apostle asking, *Rom.*, XI, 35 et 36 : *Who hath first given to him, and recompense shall be made him? For of him, and by him, and in him are all things*, man could answer, according to the opposite opinion: « I have first given him my endeavor and disposition, which is from me, and not from him. » Likewise to him asking, *I Cor.*, IV, 7 : Who distinguisheth thee? he could answer: « My endeavor and my disposition. » What hast thou that thou hast not received? he would say: « My endeavor and my disposition. »

[2] That text, as cited here from Aug., exists neither in Prov., VII, nor is found anywhere in the Vulgate. Other texts of like force are brought forward by the same Doctor in book II de Peccatorum meritis et remissione, chapter 18, n. 30, where he says: « If then the will is either good or evil, and certainly we have not the evil one from God, it remains that we have the good will from God: otherwise I know not, when we are justified by him, with what other gift of his we ought to rejoice. And hence I judge it written: The will is prepared by the Lord, and in the Psalms, XXXVI, 23: The steps of man are guided by the Lord, and he will well his way; and what the Apostle says, Philipp., I, 13: For it is God who worketh in you both to will and to accomplish, according to his good will. »

Probatur *1° ex Scriptura. Prov., VIII, dicitur :* Praeparatur voluntas a Domino[2] *; quod passim urget Augustinus contra Pelagianos et Semi-Pelagianos. Apostolo interroganti,* Rom.*, XI, 35 et 36 :* Quis prior dedit illi, et retrihuitur ei? Quoniam ex ipso, et per ipsum, et in ipso sunt omnia*, posset homo respondere, secundum oppositam sententiam : « Ego prior dedi illi conatum et dispositionem meam, quae est ex me, et non ex illo. » Item interroganti,* I Cor.*, IV, 7 : Quis te discernit? posset respondere : « Conatus et dispositio mea. » Quid habes, quod non accepisti? diceret : « Conatum et dispositionem meam. »*

[2] *Textus ille, qualis hic citatur ex Aug., nec in vu Prov. existit, nec ullibi in Vulgata reperitur. Alii textus vim parem habentes ab eodem Doctore afferuntur in lib. II de Peccatorum meritis et remissione, cap. 18, n. 30, ubi dicit : « Si ergo voluntas aut bona est aut mala, et utique malam non habemus ex Deo, restat ut bonam voluntatem habeamus ex Deo : alioquin nescio, cum ab eo justificamur, quo alio munere ipsius gaudere debeamus. Et hinc scriptum arbitror : Paratur voluntas a Domino, et in Psalmis, XXXVI, 23 : A Domino gressus hominis dirigentur, et viam ejus volet; et quod Apostolus ait, Philipp., I, 13 : Deus est enim qui operatur in vobis et velle et operari, pro bona voluntate. »*

4 It is proved 2° from the second council of Orange, in which, canons 3, 4, 5, and several following ones, up to 25, the Semi-Pelagians are condemned, who said that the beginning of faith and of the good work is from us, and that at its sight God confers grace, not as being merit of grace, but only disposition, or a condi-

Probatur *2° ex concil. Arausicano II, in quo, can. 3, 4, 5, et pluribus sequentibus, usque ad 25, damnantur Semi-Pelagiani, qui dicebant initium fidei et boni operis esse a nobis, et ejus intuitu Deum conferre gratiam, non quod esset meritum gratiae, sed dispositio tantum, sive condi-*

5 [1]

[1] That text, as cited here from Aug., exists neither in Prov., VII, nor is found anywhere in the Vulgate. Other texts of like force are brought forward by the same Doctor in book II de Peccatorum meritis et remissione, chapter 18, n. 30, where he says: « If then the will is either good or evil, and certainly we have not the evil one from God, it remains that we have the good will from God: otherwise I know not, when we are justified by him, with what other gift of his we ought to rejoice. And hence I judge it written: The will is prepared by the Lord, and in the Psalms,

XXXVI, 23: The steps of man are guided by the Lord, and he will well his way; and what the Apostle says, Philipp., I, 13: For it is God who worketh in you both to will and to accomplish, according to his good will. »

1

[1] *Textus ille, qualis hic citatur ex Aug., nec in vii Prov. existit, nec ullibi in Vulgata reperitur. Alii textus vim parem habentes ab eodem Doctore afferuntur in lib. II de Peccatorum meritis et remissione, cap. 18, n. 30, ubi dicit : « Si ergo voluntas aut bona est aut mala, et utique malam non habemus ex Deo, restat ut bonam voluntatem habeamus ex Deo : alioquin nescio, cum ab eo justificamur, quo alio munere ipsius gaudere debeamus. Et hinc scriptum arbitror : Paratur voluntas a Domino, et in Psalmis, XXXVI, 23 : A Domino gressus hominis dirigentur, et viam ejus volet; et quod Apostolus ait, Philipp., I, 13 : Deus est enim qui operatur in vobis et velle et operari, pro bona voluntate. »*

6 tion, or, as Cassianus says, *Collatione* III, chapter 14, an occasion: « For God, he says, is present, upon an occasion only offered by us of good will, to bestow all these things. »

tio, sive, ut ait Cassianus, Collatione *III, cap. 14, occasio : « Praesto namque est Deus, inquit, occasione tantummodo a nobis bonae voluntatis oblata, ad haec omnia conferenda. »*

7 Concil. Trid., session VI, chapter 6 : « They are disposed, he says, unto justice itself, when, excited and assisted by divine grace, receiving faith from hearing, they are freely moved toward God. »

Concil. Trid., sess. VI, cap. 6 : « Disponuntur autem, inquit, ad ipsam justitiam, dum excitati divina gratia et adjuti, fidem ex auditu concipientes, libere moventur in Deum. »

8 It is proved 3° from Augustine. The Holy Doctor everywhere urges against the Pelagians and Semi-Pelagians the following principles: First, which is also that of all the other Fathers, that in the business of salvation nothing whatsoever is to be withheld from the graciousness of grace; something however would be withheld if the disposition to grace were not from grace. Second, that the Church prays God, not only that he assist the willing and trying, but also that from unwilling he make them willing. Third, that the least preparation for grace is a good thought, which man cannot have without preventing grace, according to that, *II Cor.*, II, 5 : *We are not sufficient to think anything of ourselves, as of ourselves*, and many others which it would take long to recount. But no one does not know how sharply the Holy Doctor assailed everywhere the Semi-Pelagians, contending that the beginning of the good work is from us, and that at its sight God confers grace upon us.

Probatur *3° ex Augustino. S. Doctor passim urget contra Pelagianos et Semi-Pelagianos principia sequentia : Primum, quod est etiam omnium aliorum Patrum, in negotio salutis dignationi gratiae nihil penitus esse subtrahendum; subtraheretur autem aliquid, si dispositio ad gratiam non esset ex gratia. Secundum, Ecclesiam orare Deum, non tantum ut volentes et conantes adjuvet, sed etiam ut ex nolentibus volentes fiant. Tertium, minimam praeparationem ad gratiam esse bonam cogitationem, quam nec homo habere potest sine gratia praeveniente, juxta illud,* II Cor.*, II, 5 :* Non sufficientes sumus cogitare aliquid a nobis, quasi ex nobis*, et plura alia quae longius foret referre. Sed nemini non notum est, quam acriter S. Doctor exagitaverit ubique Semi-Pelagianos, contendentes initium boni operis esse a nobis, et ejus intuitu Deum nobis conferre gratiam.*

9 It is proved 4° by the authority and reasons of St. Thomas. 1° The Holy Doctor, Quodlib. I, a. 7, c., says: « To the Pelagian error belongs the saying that man can prepare himself for grace without the help of divine grace. » And it is against the Apostle, who says, *Philipp.*, I, 6 : *He who hath begun a good work in you, he himself will perfect it.* And he proves this by two reasons. 2° Super cap. x ad Rom., lect. 3 : « This very thing, that some do what in them lies, converting themselves namely to God, is from God moving their hearts toward good. *Thren.*, V, 21 : Convert us, O Lord, to thee, and we shall be converted. » He teaches the same in book III *Contra gentes*, chapter 149, and often elsewhere.

Probatur *4º authoritate et rationibus D. Thomae. 1° S. Doctor, Quodlib. I, a. 7, c., dicit : « Ad errorem Pelagianum pertinet dicere, quod homo possit se ad gratiam praeparare absque auxilio divinae gratiae. » Et est contra Apostolum, qui dicit,* Philipp.*, I, 6 :* Qui coepit in vobis opus bonum, ipse perficiet. *Idque probat duplici ratione. 2° Super cap. x ad Rom., lect. 3 : « Hoc ipsum, quod aliqui faciunt quod in se est, convertendo se, scilicet ad Deum, ex Deo est movente corda ipsorum ad bonum.* Thren.*, V, 21 : Converte nos, Domine, ad te, et convertetur. » Idem docet lib. III* Contra gentes*, cap. 149, et pluries alibi.*

10 [Lib. III *Contra gentes*, chapter 149, the Angelic Doctor says: « Not for this is divine aid given us, because we are advanced toward it through good works, but rather therefore do we profit through good works because we are prevented by divine aid... Therefore he is prevented by divine aid unto working well, more than divine aid is prevented by him, as though meriting it, or preparing himself for it. » Which he proves by five reasons.]

[Lib. III Contra gentes*, cap. 149, dicit Angelicus : « Non propter hoc datur nobis auxilium divinum, quia nos ad illud per bona opera promovemur, sed potius nos ideo per bona opera proficimus, quia divino auxilio praevenimur... Praevenitur igitur divino auxilio ad bene operandum, magis quam divinum auxilium praeveniat, quasi merendo illud, vel se praeparando ad illud. » Quod probat quinque rationibus.]*

11 The Holy Doctor proves this constant doctrine, in the places assigned, by more than ten reasons. One or two I set down here.

Hanc constantem doctrinam probat S. Doctor, locis assignatis, plusquam decem rationibus. Unam et alteram hic subjicio.

12 He has the first in the present q. 109, a. 3, ad 1. The principle and end of any effect must be so proportioned that they be of the same order; for according to the order of agents is the order of ends. But the end of the disposition to grace is supernatural, namely the proximate end is grace itself, the remote end God himself, to whom as supernatural author grace is ordered. Therefore.

Primam habet in praesenti q. 109, a. 3, ad 1. Principium et finis alicujus effectus debent sic proportionari, quod sint ejusdem ordinis ; secundum enim ordinem agentium est ordo finium. Atqui finis dispositionis ad gratiam est supernaturalis, scilicet finis proximus est ipsa gratia, finis remotus ipse Deus, ad quem ut authorem supernaturalem gratia ordinatur. Ergo.

13 The second is drawn from q. 112, a. 3 cit. Every disposition, both remote and proximate, must have a certain proportion with the form to which it disposes: otherwise how would it dispose to it? But acts merely natural have no proportion with supernatural grace. Therefore. — It is confirmed. Every disposition approximates the subject to the form to which it disposes, and in a certain way demands it. But natural acts do not approximate the soul to grace, nor demand it at all, since it is of an order superexceeding all the powers of nature. Therefore.

Secunda desumitur ex q. 112, a. 3 cit. Omnis dispositio, tam remota quam proxima, debet habere quamdam proportionem cum forma ad quam disponit : alioquin quomodo ad eam disponeret? Atqui actus mere naturales nullam habent proportionem cum gratia supernaturali. Ergo. — Confirmatur. Omnis dispositio approximat subjectum formae ad quam disponit, et eam quodammodo exigit. Atqui actus naturales non approximant animam gratiae, neque eam ullatenus exigunt, cum sit ordinis superexcedentis omnes vires naturae. Ergo.

14 From these things you will gather that the sense of this ancient and common axiom: « To him who does what in him lies, God does not deny grace, » is not that, to him doing what in him lies from natural powers God does not deny grace by reason of the pact entered into between God and Christ,

so that to him making good use of his natural faculty God would infallibly confer grace, as Molina contrived. For this sense the arguments hitherto made impugn: since indeed, in that system, the morally good work would be a disposition to grace, if not of itself, at least from the enacted law, and from it would have some proportion and some right to the aids of grace. Add to these the following:

> *Ex his colliges sensum hujus antiqui et vulgaris axiomatis : « Facienti quod in se est, Deus non denegat gratiam, » non esse quod, facienti quod in se est ex viribus naturalibus Deus non deneget gratiam ex pacto inito inter Deum et Christum, ut bene utenti facultate naturali Deus infallibiliter conferret gratiam, ut finxit Molina. Hunc enim sensum impugnant argumenta hucusque facta : si quidem, in eo systemate, opus bonum morale foret dispositio ad gratiam, si non ex se, saltem ex lege statuta, ex eaque haberet aliquam proportionem et aliquod jus ad auxilia gratiae. His adde sequentia :*

15 1° The Council of Orange II, canon 6, condemns him who shall say that « mercy is conferred on believers, willing, desiring, without the grace of God. » It would however be conferred, the aforesaid pact supposed.

> *1° Concilium Arausicanum II, can. 6, damnat eum qui dixerit, « sine gratia Dei credentibus, volentibus, desiderantibus, misericordiam conferri. » Conferretur autem, supposito praefato pacto.*

16 2° I ask what that good work of nature is, to which that law annexed grace. Is it observance of the whole law? But we have proved that it cannot be rendered without grace. Is it observance of some precepts? But, as Augustine proves in book I *de Peccat. merit.*, c. 22, and experience shows, among unbelievers and sinners there are those who observe many precepts of the law, and there are less evil men, more modest, temperate, merciful, whom nevertheless grace passes over, while it converts the most criminal.

> *2° Quaero quodnam sit istud bonum opus naturae, cui ea lex annexuit gratiam. An observantia totius legis? Sed eam non posse praestari sine gratia probavimus. An observantia aliquorum praeceptorum? Sed, ut Augustinus probat lib. I* de Peccat. merit.*, c. 22, et experientia constat, sunt inter infideles et peccatores qui plura legis praecepta observant, suntque minus mali, magis modesti, temperantes, misericordes, quos tamen gratia praeterit, dum flagitiosissimos convertit.*

17 3° According to Augustine, the judgment of God why he draws one and draws not another is inscrutable. But, the said law supposed, this would not be inscrutable, but the reason could easily be rendered, namely because this one does what in him lies from his own powers, not that one.

> *3° Juxta Augustinum, inscrutabile est Dei judicium, cur unum trahat, alterum non trahat. At, supposita dicta lege, id non foret inscrutabile, sed ratio facile redderetur, nempe quia iste facit quod in se est ex propriis viribus, non ille.*

18 4º It repugns that Christ merited that a law be made by the Father by which the reason of grace is destroyed, such as that law would be. For it posited, grace is given from works, and thus is not grace; it is prevented by free will, whereas free will ought to be prevented; and prior parts are given to man, posterior to God: things which subvert the whole system of grace defended by Augustine.

> *4º Repugnat Christum meruisse fieri a Patre legem qua destruatur ratio gratiae, qualis foret ista lex. Ea enim posita, gratia datur ex operibus, et sic non est gratia; praevenitur a libero arbitrio, cum debeat liberum arbitrium praevenire ; et partes priores dantur homini, posteriores Deo : quae subvertunt totum systema gratiae ab Augustino propugnatum.*

19 5° In this hypothesis run the inconveniences of which above, namely: man would have that whereby he might distinguish himself, in which he might glory, and which he had not received in

ordine to salvation, namely this good work of nature, which by the enacted law would conduce to salvation, and to which grace would infallibly be present.

> *5° In hac hypothesi currunt inconvenientia de quibus supra, scilicet : homo haberet id quo se discerneret, in quo gloriaretur, et quod non accepisset in ordine ad salutem, nimirum hoc bonum opus naturae, quod ex stata lege conduceret ad salutem, et cui infallibiliter adesset gratia.*

20 6° Finally this pact has no foundation, neither in Scripture, nor in councils, nor in the Fathers. Therefore it is plainly fictitious. Whence the Clerus Gallicanus, in the year 1700, in its general assemblies condemned it as « a fabrication rash and erroneous, put forth not only with Scripture and the tradition of the Holy Fathers silent, but even opposed. »

> *6° Tandem istud pactum nullum habet fundamentum, neque in Scriptura, neque in conciliis, neque in Patribus. Ergo est plane fictitium. Unde Clerus Gallicanus, anno 1700, in comitiis generalibus illud reprobavit, ut « commentum temerarium, erroneum, nec solum tacente, sed etiam adversante Scriptura et SS. Patrum traditione, prolatum. »*

21 Wherefore this axiom cannot be understood otherwise than St. Thomas understands it, namely that to him doing what in him lies from grace, God does not deny further grace.

> *Aliter itaque intelligi non potest istud axioma, quam intelligit S. Thomas, nempe facienti quod in se est ex gratia, Deum gratiam ulteriorem non denegare.*

22 [*You will ask* 1° how that defined thing against the Pelagians is to be understood: « Grace is not given according to merits. »

> *[*Petes *1° quomodo intelligatur istud definitum contra Pelagianos : « Gratia non datur secundum merita. »*

23 *I answer.* it is to be understood thus, that no grace of good work pertaining to salvation is given on account of any merit, whether de condigno or de congruo, which we may have from our powers without the grace of God. Nevertheless it must be said, that some grace is given according to our merits which are from grace. Thus to the just, according to merit strictly taken, is given the augmentation of grace and glory. Likewise every grace, after the first actual one to which the will cooperated, is given according to our merit at least de congruo, yet it does not cease to be grace, because in its root it is always gratuitous. And hence true is what Augustine says, *Enarrat. in Psal.* IXX, n. 15: « When the reward shall come, [God] will crown his own gifts, not your merits. » Again in *Psal.* cu, n. 7: « Therefore he crowns thee [God], because he crowns his own gifts, not thy merits. » And elsewhere.

> Resp. *sic intelligi, ut nulla gratia boni operis ad salutem pertinentis detur propter ullum meritum, sive de condigno sive de congruo, quod ex viribus nostris sine Dei gratia habeamus. Attamen dicendum est, dari aliquam gratiam secundum merita nostra quae sunt ex gratia. Sic justis secundum meritum stricte sumptum datur augmentum gratiae et gloriae. Item omnis gratia, post primam actualem, cui voluntas cooperata fuit, datur secundum meritum nostrum saltem de congruo, nec tamen desinit esse gratia, quia in sua radice est semper gratuita. Et hinc verum est quod dicit Augustinus,* Enarrat. in Psal. *IXX, n. 15 : « Cum praemium venerit, sua dona coronabit [Deus], non merita tua. » Iterum in* Psal. *cu, n. 7 : « Ergo coronat te [Deus], quia dona sua coronat, non merita tua. » Et alibi.*

24 *You will ask* 2° whether man can rise from sin without grace. *I answer.* negatively[1]. It is defined matter of faith. Conc. Arausicanum II says, canon 14: « No wretch is freed from whatever misery, except he who is prevented by the mercy of God. » And canon 19: « Since human nature cannot guard

without the grace of God the health which it received, how without the grace of God shall it repair what it lost ? »

[1] Here a. 7, c, and in the argument Sed contra. — 2. Ibid. c.

> Petes 2º *an homo possit resurgere a peccato sine gratia.* Resp. *negative*[1]. *Est de fide definitum. Conc. Arausicanum II dicit, can. 14 : « Nullus miser de quantacumque miseria liberatur, nisi qui Dei misericordia praevenitur. » Et can. 19 : « Cum natura humana sine Dei gratia salutem non possit custodire quam accepit, quomodo sine Dei gratia poterit reparare quod perdidit ? »*
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> [1] *Hic a. 7, c, et in arg. Sed contra. — 2. Ibid. c.*

[25] It is proved by reason[2]. To rise from sin is not merely to cease from the act of sinning, as the adversaries will, but it is for man to be repaired to those things which he lost by sinning, consequently to be freed from the evils which he incurred through sin. But man cannot without grace be freed from the evils and detriments which he incurs through sin. Therefore.

[2] Ibid. c.

> *Probatur ratione*[2]. *Resurgere a peccato, non est tantum cessare ab actu peccandi, ut volunt adversarii, sed est hominem reparari ad ea quae peccando amisit, consequenter liberari a malis quae per peccatum incurrit. Atqui homo non potest sine gratia liberari a malis et detrimentis quae per peccatum incurrit. Ergo.*
>
> [2] *Ibid. c.*

[26] Moreover it must be observed, that there is some imperfect vivification, or inchoation of vivification, to which

> *Observandum insuper est, esse aliquam imperfectam vivificationem, seu inchoationem vivificationis, ad quam*

[27] [1]

[1] Here a. 7, c, and in the argument Sed contra. — 2. Ibid. c.

> *1*
>
> [1] *Hic a. 7, c, et in arg. Sed contra. — 2. Ibid. c.*

[28] although habitual grace is not required, actual nevertheless is required, namely that by which the sinner, before he obtains remission of sin and receives sanctifying grace, grieves for sins on account of God, begins to love him and aspires to reconciliation with him; of which imperfect resurrection that to the *Ephes.*, V, 14 can be understood: « Rise thou that sleepest, and arise from the dead, and Christ shall enlighten thee. » Whence deservedly was condemned this proposition of Baius, n. 64: « That distinction of twofold vivification, of the one by which the sinner is vivified while there is breathed into him by the grace of God the purpose and inchoation of penance and new life, of the other by which he is vivified who is truly justified and made a living branch in the vine Christ, is fictitious and in no wise consonant with the Scriptures. »]

> *licet non requiratur gratia habitualis, requiritur tamen actualis, ea scilicet qua peccator, priusquam remissionem peccati obtineat et gratiam sanctificantem recipiat, dolet de peccatis propter Deum, ipsum diligere incipit et ad ejus reconciliationem aspirat, de qua imperfecta resurrectione potest intelligi illud ad* Ephes., *V, 14 : « Surge qui dormis, et exurge a mortuis, et illuminabit te Christus. » Unde jure damnata est haec propositio Baii, n. 64 : « Illa distinctio duplicis vivificationis, alterius qua vivificatur peccator dum ei poenitentiae et vitae novae propositum et inchoatio per*

Dei gratiam inspiratur, alterius qua vivificatur qui vere justificatur et palmes vivens in vite Christo efficitur, commentitia est et Scripturis minime congruens. »]

Whether actual grace is necessary to justified man for each act of piety?

1 In conformity with what we resolved above concerning morally good acts, the present question concerning supernatural acts must be resolved, proportion being preserved. Hence :

Conformiter ad ea quae resolvimus supra de actibus moraliter bonis, praesens quaestio de actibus supernaturalibus, proportione servata, est resolvenda. Unde :

2 **I say** : To justified man, besides habitual grace and the infused virtues annexed to it, there is necessary, for each act of piety, the general motion of God as supernatural author[1] ; and this motion suffices for certain acts, yet it must be called special and gratuitous in some sense. But that justified man may persevere long in them, there is required a special grace superadded[2].

1 Ibid., a. 9, c. — 2. Ibid. et a. 1, c.

2 Ibid. et a. 1, c.

***Dico** : Homini justificato, praeter gratiam habitualem et virtutes infusas ei annexas, necessaria est ad singulos pietatis actus generalis motio Dei ut authoris supernaturalis[1], eaque sufficit ad aliquos, quae tamen debet dici aliquo sensu specialis et gratuita. Ut autem diu homo justificatus in illis perseveret, requiritur gratia specialis superaddita[2].*

1 Ibid., a. 9, c. — 2. Ibid. et a. 1, c.

2 Ibid. et a. 1, c.

3 *The first part is proved* from the general principle of the Author[2]. However perfect any corporeal or spiritual nature be supposed to be, it cannot proceed into its own act unless it is moved by God, as a second mover moved by the first. Therefore, just as the natural powers, namely the will and the intellect, even as informed by the acquired virtues, which give the power to perform morally good acts, need to be applied and moved by the general motion of God as natural author in order actually to perform them; so the same powers, as informed by grace and the infused virtues, which give the power to perform good supernatural acts, need the general motion of God as supernatural author in order actually to perform them.

2 Ibid. et a. 1, c.

Probatur *prima pars ex principio generali Authoris[2]. Quantacumque natura aliqua corporea vel spiritualis ponatur perfecta, non potest in suum actum procedere, nisi moveatur a Deo, ut secundum movens motum a primo. Sicut ergo potentiae naturales, scilicet voluntas et intellectus, etiam ut informata virtutibus acquisitis, quae dant posse facere actus moraliter bonos, ut de facto faciant, indigent applicari et moveri per motionem generalem Dei ut authoris naturalis; ita eaedem potentiae, ut informata gratia et virtutibus infusis, quae dant posse facere bonos actus supernaturales, ut de facto faciant, indigent motione generali Dei ut authoris supernaturalis.*

2 Ibid. et a. 1, c.

4 *The second part is proved*. Sanctifying grace and the infused virtues annexed to it stand to supernatural actions as nature and the natural powers stand to natural actions. But nature, even corrupted, can perform some good moral work with only the general concurrence of the order of nature, without a special grace superadded, as is clear from art. 2, § 4, of this dissertation. Therefore sanctifying grace

and the infused virtues, by its aid, can perform some good supernatural work with only the general supernatural assistance.

> Probatur *secunda pars. Sic se habet gratia sanctificans et virtutes infusae ei annexa ad supernaturales actiones, sicut natura et naturales potentiae ad actiones naturales. Atqui natura, etiam corrupta, potest aliquod opus bonum morale facere cum solo concursu generali ordinis naturae, absque speciali gratia superaddita, ut liquet art. 2, § 4, hujus dissert. Ergo gratia sanctificans et virtutes infusae ope ejus, cum solo generali auxilio supernaturali possunt aliquod bonum opus supernaturale facere.*

5 The third part is clear from what was said in a. 1 and 3, § 4.

> *Patet tertia pars ex dictis a. 1 et 3, § 4.*

6 For although the general concurrence of the supernatural order toward some supernatural good is due to a nature informed by grace and the infused virtues, as the general concurrence of the natural order toward some natural good is due to nature considered in itself, because indeed God, according to the common laws of providence, moves each thing according to its own mode and its own disposition; nevertheless, since nature, even as elevated by grace and the supernatural virtues, is borne toward the good variably and can defect from it (for it is not, as I suppose, confirmed in good), hence it comes about that, although there is due to a nature so elevated the general motion by which at times it elicits acts proportioned to itself, it is not however due so that it elicits them always and indefectibly. Therefore that this motion be given to this individual here and now, and not to another, is from special grace.

> *Quia, quamvis concursus generalis ordinis supernaturalis ad aliquod bonum supernaturale sit debitus naturae informatae gratia et virtutibus infusis, sicut concursus generalis ordinis naturalis ad aliquod bonum naturale est debitus naturae secundum se, quia nempe Deus secundum leges communes providentiae movet unumquodque secundum suum modum et suam dispositionem; attamen, cum natura, etiam ut elevata per gratiam et virtutes supernaturales, feratur in bonum variabiliter et ab illo sit defectibilis (non enim, ut suppono, est firmata in bono), hinc fit quod, quamvis illi sic elevatae debeatur generalis motio qua aliquando eliciat actus sibi proportionatos, non tamen ut semper et indefectibiliter eliciat. Quod ergo illi individuo detur hic et nunc, et non alteri, est ex speciali gratia.*

7 *The fourth part is proved*[1] ; because, on account of the infection of the flesh, as to the flesh, and of ignorance, as to the intellect, which remain in justified man, as was said, it is most difficult for him amid continuous conflicts and temptations, and in such great obscurity, to persevere long in supernatural good, unless he is strengthened and helped by a special grace superadded to the powers he already possesses.

1 Ibid.

> Probatur *quarta pars*[1]*; quia, propter infectionem carnis, quantum ad carnem, et ignorantiam quantum ad intellectum, quae remanent in homine justificato, ut dictum est, difficillimum est illi inter continuos conflictus et tentationes, atque in tanta obscuritate, diu perseverare in bono supernaturali, nisi speciali gratia viribus jam habitis superaddita roboretur et adjuvetur.*
>
> [1] *Ibid.*

8 And thus it is drawn from the Council of Arausic. II, can. 10, in which it is thus defined: « The help of God is ever to be implored by those reborn and sanctified, that they may come to a good end, or be able to persevere in good work. » Wherein for both perseverances, the final and the long-lasting,

special grace is required. Likewise Trid., sess. VI, can. 22, speaking of perseverance indefinitely, decrees thus: « If anyone shall say that a justified man can persevere in the justice received either without the special help of God, or cannot with it, let him be anathema. »

> *Et ita eruitur ex Concilio Arausic. II, can. 10, in quo sic definitur: « Adjutorium Dei in Renatis ac Sanctis semper est implorandum, ut ad bonum finem pervenire, vel in bono possint opere perdurare. » Ubi pro utraque perseverantia, finali et diuturna, requiritur specialis gratia. Similiter Trid., sess. VI, can. 22, de perseverantia indefinite loquens, statuit sic: « Si quis dixerit justificatum vel sine speciali Dei auxilio in accepta justitia perseverare posse, vel cum eo non posse, anathema sit. »*

Whether man established in grace needs a special help of grace to persevere finally?

1 We do not treat here of perseverance taken for the virtue or habit inclining to choose and propose to persevere, nor of the very proposal of persevering, but of the actual exercise itself of perseverance in good until the end of life, whether that perseverance be of long duration, as usually happens in adults, or brief, as happens in little ones dying immediately after baptism.

> *Non agimus hic de perseverantia sumpta pro virtute seu habitu inclinante ad eligendum et proponendum perseverare, neque de ipso proposito perseverandi, sed de ipso actuali exercitio perseverantiae in bono usque ad finem vitae, sive ista perseverantia sit diuturna, ut contingere solet in adultis, sive brevis, ut contingit in parvulis statim post baptismum morientibus.*

2 **I say** : For final perseverance, whether long-lasting, or brief and most brief, a special assist is required[1].

1 Hic, q. 109, a. 10, c.

> ***Dico** : Ad perseverantiam finalem, sive diuturnam, sive brevem et brevissimam, requiritur speciale auxilium[1].*
>
> *1 Hic, q. 109, a. 10, c.*

3 *It is proved* 1° from the councils cited in the preceding article, the Arausican and Tridentine.

> Probatur *1° ex conciliis cit. art. praecedenti, Arausicano et Tridentino.*

4 2° From the authority of Augustine, who throughout the book *de Dono perseverantiae* defends this truth against the Semi-Pelagians.

> *2° Authoritate Augustini, qui toto libro* de Dono perseverantiae *hanc veritatem adversus Semi-Pelagianos propugnat.*

5 3° He who perseveres even for the briefest time until the end of life has truly and properly the gift of perseverance.

> *3° Qui etiam brevissimo tempore perseverat usque ad finem vitae, habet vere et proprie donum perseverantiae.*

6 1

1 Hic, q. 109, a. 10, c.

> *1*
>
> *1 Hic, q. 109, a. 10, c.*

7 But the gift of perseverance, according to the definitions of the councils and Fathers, is from special grace. Therefore. — The minor is evident from the councils cited. Likewise from the same council of

Trent, session VI, canon 16, and from Augustine, *de Dono perseverant.*, c. 2, n. 4, by whom perseverance is called « a great gift of God. » And chapter 17, n. 41: « See, he says, how alien it is from truth to deny that perseverance unto the end of this life is a gift of God, since he himself gives an end to this life when he wills; and if he gives it before an imminent fall, he will make man persevere unto the end. But more marvelous and more evident to the faithful is the generosity of the goodness of God, that this grace is given even to little ones... »

> *Atqui donum perseverantiae, secundum definitiones conciliorum et Patrum, est ex speciali gratia. Ergo. — Minor patet ex conciliis cit. Item ex eodem concil. Trid., sess. VI, can. 16, et ex Augustino,* de Dono perseverant.*, c. 2, n. 4, a quibus perseverantia vocatur « magnum Dei donum. » Et cap. 17, n. 41 : « Videte, inquit, a veritate quam sit alienum, negare donum Dei esse perseverantiam usque in finem hujus vitae, cum vitae huic, quando voluerit, ipse det finem, quem si dat ante imminentem lapsum, faciet hominem perseverare usque in finem. Sed mirabilior et fidelibus evidentior largitas bonitatis Dei est, quod etiam parvulis... datur haec gratia. »*

8 4° The conjunction of grace with death is the proper effect of a special providence, namely of predestination; for it belongs to the predestined alone, and to no one else. Therefore it is had through a special assist.

> *4° Conjunctio gratiae cum morte est proprius effectus specialis providentiae, nempe praedestinationis ; solis enim praedestinatis convenit, et nulli alteri. Ergo habetur per speciale auxilium.*

9 *You will ask* 1° in what does this special assist consist?

> Petes *1° in quo consistat istud speciale auxilium?*

10 *I answer.* This assist does not consist in something indivisible, nor is it given in the same manner to all, but includes several things both intrinsic and extrinsic. For since the gift of final perseverance formally consists in the conjunction of grace with the end of life from an efficacious intention of glory imperated, God procures this by singular providence in various ways: some he hastens toward death, lest they fall; others he prolongs in life, that they may repent; others he withdraws from dangers and temptations, or tempers them: all which pertain to extrinsic assists; others, placed in dangers and temptations, he strengthens in their powers, that they may conquer and stand insuperably and unswervingly in good until the end; and these pertain to intrinsic assists.

> Resp. *hoc auxilium non consistere in aliquo indivisibili, neque eodem modo omnibus dari, sed plura includere et intrinseca et extrinseca. Cum enim donum perseverantiae finalis formaliter consistat in conjunctione gratiae cum fine vitae ex efficaci gloriae intentione imperata, illam Deus singulari providentia variis modis procurat : quibuscumque accelerando mortem, ne cadant; aliis prorogando vitam, ut resipiscant ; aliis subtrahendo pericula et tentationes, aut eas temperando : quae omnia pertinent ad auxilia extrinseca; aliis in periculis et tentationibus constitutis vires augendo, ut vincant et insuperabiliter atque indeclinabiliter stent in bono usque ad finem, et haec pertinent ad auxilia intrinseca.*

11 [*You will ask* 2° whether the gift of final perseverance is the same as the gift of confirmation in grace.

> *[*Petes *2º utrum donum perseverantiae finalis sit idem ac donum confirmationis in gratia.*

12 *I answer.* Negatively; because the gift of confirmation in grace gives not being able to sin, either mortally or venially, according to the mode which is given. To the gift of final perseverance, the power of sinning remaining, it gives only not to sin mortally until death: hence it is common to all the predestined, who do not all receive the gift of confirmation in grace.]

Resp. *negative; quia donum confirmationis in gratia dat non posse peccare sive mortaliter sive venialiter, secundum modum qui datur. Ad donum perseverantiae finalis, remanente potentia peccandi, dat tantum non peccare mortaliter usque ad mortem : unde est commune omnibus praedestinatis, qui non recipiunt omnes donum confirmationis in gratia.]*

On the Essence and Division of Grace

1 **DISSERTATION IV**

DISSERTATIO IV

2 St. Thomas, q. 110 and 111.

D. Thomas, q. 110 et 111.

On the essence of grace

1 In this article the question is principally of habitual and sanctifying grace, which by antonomasia is called grace, whereby namely we are constituted sons of God and heirs of the kingdom, to which actual grace is reduced, as disposition to form and motion to term; and which therefore does not constitute a species distinct from habitual grace.

In hoc articulo, quaestio est praecipue de gratia habituali et sanctificante, quae per antonomasiam appellatur gratia, per quam scilicet constituimur filii Dei et haeredes regni, ad quam reducitur gratia actualis, sicut dispositio ad formam et motus ad terminum, quaeque ideo non constituit speciem distinctam a gratia habituali.

2 *You will ask* 1° whether grace is an intrinsic gift.

Petes *1° utrum gratia sit donum intrinsecum.*

3 *I answer.* Affirmatively [1]. It was decided of faith in the Council of Trent, sess. VI, can. 11, against Lutherans and Calvinists.

[1] Here, q. 110, a. 1, c.

Resp. *affirmative*[1]*. Est de fide decisum in concil. Trid., sess. VI, can. 11, contra Lutheranos et Calvinistas.*

[1] *Hic, q. 110, a. 1, c.*

4 [There is read: « If anyone says that men are justified either by the sole imputation of the justice of Christ, or by the sole remission of sins, excluding grace and charity which is diffused in their hearts through the Holy Spirit and inheres in them, or even that the grace whereby we are justified is only the favor of God: let him be anathema. »]

[Ibi legitur : « Si quis dixerit, homines justificari vel sola imputatione justitiae Christi, vel sola peccatorum remissione, exclusa gratia et charitate quae in cordibus eorum per Spiritum sanctum diffundatur atque illis inhaereat, aut etiam gratia qua justificamur esse tantum favorem Dei; anathema sit. »]

5 And it is evident from the Apostle, *I Tim.*, IV, 14, saying: *Neglect not the grace that is in thee.* And *II Tim.*, I, 6: *I admonish thee, that thou stir up the grace of God which is in thee.* This matter will return when we treat of justification.

Et patet ex Apost., I Tim.*, IV, 14, dicente :* Noli neglegere gratiam quae est in te. *Et* II Tim.*, I, 6 :* Admoneo te, ut resuscites gratiam Dei quae est in te. *Haec materia redibit dum de justificatione.*

6 [1]

[1] Here, q. 110, a. 1, c.

> *1*
>
> [1] *Hic, q. 110, a. 1, c.*

[7] *You will ask* 2° whether habitual grace is a quality of the soul.

> Petes *2º utrum gratia habitualis sit qualitas animae.*

[8] *I answer.* Habitual grace is a habitual gift remaining in the soul, and therefore of the genus of quality [1].

[1] Ibid., a. 2, c. — 2. Ibid.

> Resp. *Gratia habitualis est donum habituale permanens in anima, et ideo de genere qualitatis*[1].
>
> [1] *Ibid., a. 2, c. — 2. Ibid.*

[9] The first part, which the Council of Vienne had chosen as more probable, the Clementine *de fide* defined, Trent, sess. VI, chapter 16, saying: « Our justice is said to be ours, because we are justified by it inasmuch as it inheres in us. »

> *Primam partem, quam ut probabiliorem elegerat concil. Viennense, Clementina* de fide*, definivit Trid., sess. VI, cap. 16, dicens : « Justitia nostra dicitur, quia per eam nobis inhaerentem justificamur. »*

[10] (In the aforesaid Clementine, lib. I, tit. I, cap. unic., it is said: « Since with respect to the effect of baptism in infants certain teachers of theology are found to have held contrary opinions, some of them saying that through the power of baptism guilt indeed is remitted to infants, but grace not conferred; others, on the contrary, asserting that both guilt is remitted to them in baptism and the virtues and informing grace are infused as to habit, if not for that time, as to use: but we, attending to the general efficacy of the death of Christ, whereby it is applied equally to all the baptized through baptism, have judged, with the approval of the sacred council, that the second opinion, which says that informing grace and the virtues are conferred in baptism upon infants as well as adults, ought to be chosen as more probable and more consonant and in accord with the sayings of the saints and of the modern teachers of theology. ») According to the opinion which the Council of Vienne approves, grace is in the soul as form. But form is of the genus of habit, as is said in the exposition of this opinion. Therefore grace is a habitual gift. Whence by the Tridentine it was defined that it inheres in us.)

> *(In praedicta Clementina, lib. I, tit. I, cap. unic., dicitur : « Quia, quantum ad effectum baptismi in parvulis, reperiuntur doctores quidam theologi opiniones contrarias habuisse, quibusdam ex ipsis dicentibus, per virtutem baptismi parvulis quidem culpam remitti, sed gratiam non conferri; aliis, e contra, asserentibus quod et culpa eisdem in baptismo remittitur, et virtutes ac informans gratia infunduntur quoad habitum, et, si non pro illo tempore, quoad usum : nos autem attendentes generalem efficaciam mortis Christi, qua per baptisma applicatur pariter omnibus baptizatis, opinionem secundam, quae dicit, tam parvulis quam adultis conferri in baptismo informantem gratiam et virtutes, tamquam probabiliorem et dictis sanctorum ac doctorum modernorum theologiae magis consonam et concordem, sacro approbante concilio, duximus eligendam. » Juxta opinionem quam approbat concilium Viennense, gratia est in anima ut forma. Atqui forma est de genere habitus, ut dicitur in expositione hujus sententiae. Ergo gratia est donum habituale. Unde a Tridentino fuit definitum quod in nobis inhaereat.)*

11 The reason is 2° [2]. God provides no less for those whom he loves toward having supernatural good than for creatures whom he loves toward having natural good. But he so provides for natural creatures that he not only moves them to natural acts, but also bestows on them certain forms and virtues which are principles both radical and proximate of acts, so that of themselves they be inclined to such

2 Ibid.

> *Ratio est 2[2]. Deus non minus providet his quos diligit ad bonum supernaturale habendum, quam creaturis quas diligit ad bonum naturale habendum. Atqui creaturis naturalibus sic providet, ut non solum moveat eas ad actus naturales, sed etiam largiatur eis formas et virtutes quasdam quae sunt principia tam radicalia quam proxima actuum, ut secundum seipsas inclinentur ad hujusmodi*
>
> 2 *Ibid.*

12 [1]

1 Ibid., a. 2, c. — 2. Ibid.

> *1*
>
> 1 *Ibid., a. 2, c. — 2. Ibid.*

13 motions, and thus the motions whereby they are moved by God be connatural and easy to creatures, according to that, *Sap.*, VI, 1: *He disposeth all things sweetly.* Therefore much more those whom he moves toward obtaining eternal supernatural good he infuses certain forms or supernatural qualities, according to which they may be moved sweetly and promptly by him toward obtaining eternity. Now these supernatural forms are grace and the infused virtues, grace as radical principle of supernatural operations, the virtues as immediate principle.

> *motus, et sic motus quibus a Deo moventur sint creaturis connaturales et faciles, secundum istud,* Sap., *VI, 1 :* Disponit omnia suaviter. *Ergo multo magis illis quos movet ad consequendum bonum supernaturale aeternum infundit aliquas formas seu qualitates supernaturales, secundum quas suaviter et prompte ab ipso moveantur ad aeternum consequendum. Ista autem formae supernaturales sunt gratia et virtutes infusae, gratia ut principium radicale operationum supernaturalium, virtutes ut principium immediatum.*

14 The second part also is evident. Quality is a permanent habit difficultly movable, disposing the subject so that it be well or ill disposed in its being or operating. But sanctifying grace is permanent, as is evident from what has been said; it is difficultly movable, as much as lies in itself and its principles, namely leaning upon divine influx, and of itself importing an inclination contrary to sin, which is destructive of it, although per accidens, by reason of state and subject, it can easily be moved; and finally it disposes man, of himself indifferent to good and evil, so that he be well disposed concerning divine things. Therefore.

> *Secunda pars etiam patet. Qualitas est habitus permanens difficile mobilis, disponens subjectum ut bene vel male se habeat in suo esse vel operari. Atqui gratia sanctificans est permanens, ut patet ex dictis; est difficile mobilis, quantum est ex se et suis principiis, nempe innixa influxu divino, et ex se importans inclinationem contrariam peccato, quod est ejus destructivum, licet per accidens, ratione status et subjecti, possit facile moveri; et tandem hominem de se indifferentem ad bonum et malum disponit ut bene se habeat circa divina. Ergo.*

15 *You will ask* 3° whether sanctifying grace is a participation of the divine nature.

Petes 3° *utrum gratia sanctificans sit participatio divinae naturae.*

16 *I answer.* [1] Sanctifying grace is a participation of the divine nature, not only morally, consisting in rectitude of will and imitation of the holiness and justice of God in his works, but also physically: not in this sense, that through grace the divine nature as to essence is communicated to man; but in this sense, that it is a gift distinct indeed from the divine nature, but analogically and imperfectly imitating and expressing it, according to that express saying of St. Peter, *epist.* II, 1, 4: *By whom (Christ) he hath given us most great and most precious promises, that by these you may be made partakers of the divine nature.* The reason is. By divine nature we understand that which in God is conceived as root of the divine perfections and radical principle of the divine operations, namely seeing himself intuitively, loving himself with beatific love, making all things outside himself. But sanctifying grace physically imitates and expresses this fountal and primitive perfection of God. Therefore. — *Proof of minor.* The just man by force of sanctifying grace is radically disposed and inclined toward seeing God intuitively, toward loving him with blessed love, and toward doing all things for him. Moreover he [grace] is the root of the infused virtues, which are images and participations of the attributes. Therefore.

[1] Here q. 110, a. 3 et 4, c; q. 112, a. 1, c.

Resp.[1] *Gratia sanctificans est participatio divinae naturae, non moraliter tantum consistens in rectitudine voluntatis et imitatione sanctitatis et justitiae Dei in suis operibus, sed etiam physica: non hoc sensu, quod per gratiam natura divina quoad essentiam communicetur homini; sed hoc sensu quod sit donum, a natura quidem divina distinctum, sed eam analogice et imperfecte imitans ac exprimens, juxta illud expressum S. Petri,* epist. *II, 1, 4 :* Per quem (Christum) maxima et pretiosa nobis promissa donavit, ut per haec efficiamini divinae consortes naturae. *Ratio est. Per naturam divinam intelligimus id quod in Deo concipitur ut radix divinarum perfectionum et principium radicale divinarum operationum, scilicet seipsum intuitive videndi, seipsum amore beatifico diligendi, omnia extra se faciendi. Atqui gratia sanctificans hanc fontalem et primitivam Dei perfectionem physice imitatur et exprimit. Ergo.* — Prob. *min. Homo justus vi gratiae sanctificantis radicaliter disponitur et propendet in Deum intuitive videndum, in ipsum amore beato diligendum, et ad omnia propter ipsum facienda. Insuper est radix virtutum infusarum, quae sunt attributorum imagines et participationes. Ergo.*

[1] *Hic q. 110, a. 3 et 4, c; q. 112, a. 1, c.*

17 *You will ask* 4° whether sanctifying grace is really distinguished from charity.

Petes *4° utrum gratia sanctificans distinguatur realiter a charitate.*

18 [Durandus holds that it is distinguished by name only; Scotus, formally; some, virtually, by reason of diverse offices; the Thomists, with the Angelic Doctor and many outsiders, really. With these latter, more probable.]

[Durandus tenet distingui nomine tantum; Scotus, formaliter; quidam, virtualiter, ratione diversorum officiorum; Thomistae, cum Angelico et pluribus extraneis, realiter. Cum his posterioribus, probabilius.]

19 *I answer.* Affirmatively [1].

[1] Here q. 110, a. 3, c.

Resp. *affirmative*[1].

[1] *Hic q. 110, a. 3, c.*

20 *It is proved* 1° by authority. The Apostle, *Rom.*, V, 5, says: *The charity of God is poured forth in our hearts by the Holy Spirit, who is given to us.* By Spirit however is understood the grace whereby the Holy Spirit dwells in us. Trent, sess. VI, chapter 7: « The renewal of the interior man takes place through voluntary reception of grace and gifts. » Augustine, *de Dono perseverantiae*, c. 16, n. 41: « Grace precedes charity. » Therefore.

> Probatur *1° authoritate. Apost.,* Rom.*, V, 5, dicit :* Charitas Dei diffusa est in cordibus nostris per Spiritum sanctum, qui datus est nobis. *Per Spiritum autem intelligitur gratia per quam Spiritus sanctus habitat in nobis. Trid., sess. VI, cap. 7 : « Renovatio interioris hominis fit per voluntariam susceptionem gratiae et donorum. » Augustinus,* de Dono perseverantiae*, c. 16, n. 41 : « Gratia praevenit charitatem. » Ergo.*

21 *It is proved* 2° by reason [2]. Charity supposes grace. Therefore. — *Proof of antecedent.* Virtue supposes nature proportioned to itself. Whence, as human virtue supposes human nature, which it disposes in order to obtaining a natural end, so supernatural virtue supposes a nature elevated to supernatural being, which it disposes congruously in order to obtaining a supernatural end. — *I subjoin.* But charity is a supernatural virtue, and supernatural being is communicated through grace, as was said. — *It is confirmed.* Grace is a participation of the divine nature; charity, a participation of the divine will. But these participations are distinct. Therefore.

2 Ibid.

> Probatur 2° *ratione*[2]*. Charitas supponit gratiam. Ergo.* — Prob. *ant. Virtus supponit naturam sibi proportionatam. Unde, sicut virtus humana supponit naturam humanam, quam disponit in ordine ad finem naturalem consequendum, ita virtus supernaturalis supponit naturam elevatam ad esse supernaturale, quam disponit congruenter in ordine ad finem supernaturalem consequendum.* — Subsumo. *Atqui charitas est virtus supernaturalis, et esse supernaturale communicatur per gratiam, ut dictum est.* — Confirmatur. *Gratia est participatio divinae naturae; charitas, participatio divinae voluntatis. Atqui ista participationes sunt distinctae. Ergo.*
>
> 2 *Ibid.*

22 *For the solution of objections*, note that the same effects are not rarely attributed in Scripture to grace and charity, not because they are one habit, but because they are interconnected among themselves and inseparable from their nature, and each in its mode concurs toward justification.

> Pro solutione objectionum*, nota eosdem effectus non raro tribui in Scriptura gratiae et charitati, non quod sint unus habitus, sed quia sunt inter se connexae et ex natura sua inseparabiles, et utraque suo modo concurrit ad justificationem.*

23 *You will ask* 5° in what grace is subjected.

> Petes *5° in quo subjaceatur gratia.*

24 *I answer.* To be subjected in the very essence of the soul, and not in any of its powers; because the perfection of a power is an active virtue, but grace is not an active virtue, but something prior to virtue, as we said. Therefore.

> Resp. *subjectari in ipsa essentia animae, et non in aliqua ejus potentia; quia perfectio potentiae est virtus activa, gratia autem non est virtus activa, sed aliquid prius virtute, ut diximus. Ergo.*

25 *It is confirmed.* Through grace we are regenerated into sons of God. But generation terminates to essence prior to its termination to powers. Therefore.

Confirmatur. *Per gratiam regeneramur in filios Dei. Atqui generatio prius terminatur ad essentiam quam ad potentias. Ergo.*

The various divisions of grace

1 Grace as such, taken theologically, insofar as we treat of it here, is « a supernatural gift granted gratis by God to a rational creature in view of the merits of Christ, in order to eternal salvation. »

Gratia ut sic theologice sumpta, prout de ea hic agimus, est « donum supernaturale gratis a Deo concessum creaturae rationali intuitu meritorum Christi, in ordinem ad salutem aeternam. »

2 [It is called « a gift, » which holds the place of genus. It is called « supernatural, » that it be distinguished from natural gifts, which are called graces only in a wide sense. Yet by this there is not excluded a certain disposition of natural things by singular providence in order to salvation; for this is supernatural on the part of the end and of the principle. It is called « granted gratis, » that is, owed in no way, otherwise it would not be grace, as the Apostle says, *Rom.*, XI, 6. It is said to be « granted by God to a rational creature in view of the merits of Christ[1]

1 *Ibid.*, a. 4, c.

[Dicitur « donum, » quod tenet locum generis. Dicitur « supernaturale, » ut distinguatur a donis naturalibus, quae nonnisi lato sensu gratiae dicuntur. Non tamen per hoc excluditur certa dispositio rerum naturalium ex singulari providentia in ordine ad salutem; haec namque est supernaturalis ex parte finis et principii. Dicitur « gratis concessum, » id est, nullo modo debitum, alioquin non foret gratia, ut dicit Apostolus, Rom.*, XI, 6. Dicitur « creatura rationali a Deo concessum intuitu meritorum Christi[1]*

1 Ibid., a. 4, c.

3 in order to salvation. » By the first particles is designated the subject or material cause of grace; by the following, the efficient cause; by the next, the meritorious cause; by the last, the final cause.]

in ordine ad salutem. » Per primas particulas, designatur subjectum seu causa materialis gratiae; per sequentes, causa efficiens; per subsequentes, causa meritoria; per ultimas, causa finalis.]

4 Grace thus taken is divided 1° into external and internal. External grace is that which does not affect man intrinsically, but extrinsically only, such as are the divine law, the preaching of the Gospel, miracles, the examples of Christ and of the saints, occasions of doing good prepared by supernatural providence, occasions of sinning removed by the same providence: in one word, every effect of supernatural providence ordered to our salvation. Internal grace is that which affects man intrinsically, either by inhering, as habitual grace and the infused virtues, or by moving inwardly, as are the actual graces of intellect and will.

Gratia sic sumpta dividitur 1° in externam et internam. Externa est quae hominem intrinsece non afficit, sed extrinsece tantum, ut sunt lex divina, praedicatio Evangelii, miracula, exempla Christi et sanctorum, occasiones bene agendi providentia supernaturali praeparatae, occasiones peccandi ab eadem providentia remotae: uno verbo, omnis effectus providentiae supernaturalis ad salutem nostram ordinatus. Gratia interna est quae hominem intrinsece afficit, sive inhaerendo, ut gratia habitualis et virtutes infusae, sive interius movendo, ut sunt gratiae actuales intellectus et voluntatis.

5 2° Internal grace is divided into grace gratis data and grace gratum faciens. Grace gratis data is that which is per se primo ordered to the salvation of others; grace gratum faciens is that which is per se

primo ordered to the salvation of the recipient.

2° Gratia interna dividitur in gratiam gratis datam et gratiam gratum facientem. Gratia gratis data est quae per se primo ordinatur ad salutem aliorum, gratia gratum faciens est quae per se primo ordinatur ad salutem recipientis.

6 [3° Grace gratum faciens is divided into habitual, which sanctifies formally and resides in the essence of the soul, and actual, which concurs efficiently to justification. 4° Actual grace is divided into operating and cooperating. St. Thomas explains here, q. 111, a. 2, c, this division founded upon the Scriptures, councils, and Fathers thus: « The operation of some effect is not attributed to the thing moved, but to the mover. In that effect, therefore, in which our mind is moved and not moving, but God alone is the mover, operation is attributed to God; and accordingly grace is called operating. But in that effect in which our mind both moves and is moved, operation is attributed not only to God but also to the soul; and accordingly grace is called cooperating. » The Angelic Doctor proceeds, applying this distinction to the internal and external acts of man: « There is in us a twofold act. The first indeed is interior, of the will. And with respect to this act, the will stands as moved, but God as moving, especially when the will begins to will good, whereas before it willed evil. And therefore, according as God moves the human mind to this act, grace is called operating. » But another act is exterior; and since it is elicited by the will, it follows that for this act operation is attributed to the will. And because God also aids us toward this act, both inwardly confirming the will that it may arrive at the act, and outwardly offering the faculty of acting, with respect to such an act grace is called cooperating. » And he teaches this from Augustine saying it, and proving it from Scripture, *lib.* de Gratia et libero arbit., chapter 17, n. 33: « He [God] works in us that we may will without us, who cooperates with those willing, perfecting. On which account the Apostle says, *Philipp.*, I, 6: Being confident of this very thing, that he who has begun a good work in you will perfect it unto the day of Christ Jesus. Therefore that we may will he works without us; but when we will, and so will as to do, he cooperates with us. »

[3° Gratia gratum faciens dividitur in habitualem, quae formaliter sanctificat et residet in essentia animae, et actualem, quae concurrit efficienter ad justificationem. 4° Gratia actualis dividitur in operantem et cooperantem. Hanc divisionem fundatam in Scripturis, conciliis et Patribus sic explicat S. Thomas hic, q. 111, a. 2, c : « Operatio alicujus effectus non attribuitur mobili, sed moventi. In illo ergo effectu in quo mens nostra est mota et non movens, solus autem Deus movens, operatio Deo attribuitur, et secundum hoc dicitur gratia operans. In illo autem effectu in quo mens nostra movet et movetur, operatio non solum attribuitur Deo, sed etiam animae, et secundum hoc dicitur gratia cooperans. » Pergit Angelicus applicando hanc distinctionem actibus internis et externis hominis : « Est autem in nobis duplex actus. Primus quidem interior voluntatis. Et quantum ad istum actum, voluntas se habet ut mota, Deus autem ut movens, et praesertim cum voluntas incipit bonum velle, quae prius male volebat. Et ideo, secundum quod Deus movet humanam mentem ad hunc actum, dicitur gratia operans » Alius autem actus est exterior, qui cum a voluntate elicitur, consequens est quod ad hunc actum operatio attribuatur voluntati. Et quia etiam ad hunc actum Deus nos adjuvat, et interius confirmando voluntatem ut ad actum perveniat, et exterius facultatem operandi praebendo, respectu hujusmodi actus, dicitur gratia cooperans. » Et hoc docet ex Augustino dicente et ex Scriptura probante, lib. *de Gratia et libero arbit., cap. 17, n. 33 : « Ipse [Deus] ut velimus sine nobis operatur, qui volentibus cooperatur perficiens. Propter quod ait Apostolus,* Philipp.*, I, 6 : Certus sum quoniam qui operatur in vobis opus bonum, perficiet usque in diem Christi Jesu. Ut ergo velimus, sine nobis operatur; cum autem volumus, et sic volumus ut faciamus, nobiscum cooperatur. »*

7 It must be noted, however, that it is certain that the will does not stand merely passive toward that first act; for it is a vital volition of good, consequently an act elicited by the will. Nor does it follow that the will in this first volition is not free; for that the will act freely it is not necessary that it move

itself from a preceding act, but it suffices that the object be proposed under an indifference of judgment; for then there intervenes a virtual deliberation. Compare what is said on this in the treatise de Angelis and in the treatise de Actib. hum.

Notandum tamen, certum esse quod voluntas ad illum primum actum non se habeat mere passive; est enim vitalis volitio boni, consequenter actus elicitus a voluntate. Nec sequitur, voluntatem in hac prima volitione non esse liberam; ad hoc enim ut voluntas libere agat, non est necesse quod ex praecedenti actu se moveat, sed sufficit quod objectum proponatur sub indifferentia judicii; tunc enim intervenit virtualis deliberatio. Confer quae de hoc dicta sunt in tract. de Angelis et in tract. de Actib. hum.

8 5° Grace is divided, by the same St. Thomas, into prevenient and subsequent, according to the order of prior and later effects. For he says here, q. 111, a. 3, c: « As grace is divided into operating and cooperating, according to different effects, so also into prevenient and subsequent, however grace be taken. Now there are five effects of grace in us: the first of which is, that the soul is healed; the second, that it wills good; the third, that it efficaciously carries out the good it wills; the fourth, that it perseveres in good; the fifth, that it attains glory. And therefore grace, according as it causes in us the first effect, is called prevenient with respect to the second effect; and as it causes in us the second, it is called subsequent with respect to the first effect. And just as one effect is posterior to one effect and prior to another, so grace can be called prevenient and subsequent, according to the same effect, with respect to different ones. And this is what Augustine says in the *lib.* de Natura et Gratia, chapter 31, n. 35: « He prevents us that we may be healed; he follows after that being healed we may be strengthened; he prevents us that we may be called; he follows after that we may be glorified. »]

5° Dividitur gratia, ex eodem S. Thoma, in praevenientem et subsequentem, per ordinem ad effectus priores et posteriores. Dicit enim hic, q. 111, a. 3, c : « Sicut gratia dividitur in operantem et cooperantem, secundum diversos effectus, ita etiam in praevenientem et subsequentem, qualitercumque gratia accipiatur. Sunt autem quinque effectus gratiae in nobis: quorum primus est, ut anima sanetur; secundus est, ut bonum velit; tertius est, ut bonum quod vult efficaciter operetur; quartus est, ut in bono perseve-ret; quintus est, ut ad gloriam perveniat. Et ideo gratia, secundum quod causat in nobis effectum, vocatur praeveniens respectu secundi effectus, et prout causat in nobis secundum, vocatur subsequens respectu primi effectus. Et sicut unus effectus est posterior uni effectu et prior alio, ita gratia potest dici praeveniens et subsequens, secundum eumdem effectum, respectu diversorum. Et hoc est quod Augustinus dicit in lib. *de Natura et Gratia, c. 31, n. 35 : « Praevenit ut sanemur, subsequitur ut sani vegetemur; praevenit ut vocemur, subsequitur ut glorificemur. »]*

9 6° Grace is divided into sufficient and efficacious. That which suffices for something is said in two ways: 1° simply and in every respect; 2° secundum quid, that is, in one genus only, but not in every respect. Thus healing suffices for life simply, but not in every respect, so as to be perfect health; for it fails in another genus, as will be more fully explained below. By sufficient grace here we do not understand that which suffices simply and in every respect, but that which suffices in its own genus, that is, in the reason of a power of acting. By efficacious grace, moreover, we understand that which applies this power to act. To this notion suit the various definitions which are current concerning each. Sufficient grace is that which confers the faculty of acting well; efficacious that which provides the good use of this faculty. Likewise, sufficient grace is that which gives the good power, if we will; efficacious that which makes us will. Likewise, sufficient grace is the grace of possibility, efficacious the grace of action. And finally, according to Augustine, sufficient grace is the aid without which not,

efficacious grace the aid by which. All coincide. This is the most celebrated division of grace, about which the gravest difficulties are raised, which we shall endeavor to elucidate in the following articles.

> *6° Gratia dividitur in sufficientem et efficacem. Sufficiens ad aliquid dicitur dupliciter: 1° simpliciter et ex omni parte; 2° secundum quid, id est, in aliquo genere tantum, non autem ex omni parte. Sic sanatio sufficit ad vitam simpliciter, non autem ex omni parte, ut sit perfecta sanitas; nam deficit in alio genere, ut fusius explicabitur infra. Per gratiam sufficientem hic non intelligimus eam qua simpliciter et ex omni parte sufficit, sed eam qua in suo genere, hoc est, in ratione potentiae agendi, sufficit. Per gratiam autem efficacem intelligimus eam quae hanc potentiam applicat ad actum. Huic notioni conveniunt variae definitiones quae de utraque circumferuntur. Gratia sufficiens est quae confert facultatem bene agendi, efficax quae praebet bonum usum hujus facultatis. Item, gratia sufficiens est quae dat bonum posse, si velimus; efficax quae facit ut velimus. Item, gratia sufficiens est gratia possibilitatis, efficax gratia actionis. Et tandem, juxta Augustinum, gratia sufficiens est auxilium sine quo non, gratia efficax auxilium quo. Omnes coincidunt. Haec est celeberrima gratiae divisio, circa quam moventur gravissima difficultates, quas in sequentibus articulis elucidare conabimur.*

On the grace gratuitously given, in particular

1 [*You will ask* 1° what grace gratis given is, and of how many kinds it is.

> *[*Petes *1° quid et quotuplex sit gratia gratis data.*

2 *I answer.* Grace gratis given is that by which one is ordered per se and first to the salvation of others. It is defined as « the gift of God gratuitously bestowed for procuring the salvation of others, » according to what the Apostle says, *I Cor.*, XII, 7 : *The manifestation of the Spirit is given to every man unto profit,* namely the profit of others.

> Resp. *Gratia gratis data ea est qua per se primo ordinatur ad salutem aliorum. Definitur « donum Dei gratis collatum ad procurandam aliorum salutem, » secundum quod dicit Apostolus,* I Cor.*, XII, 7 :* Datur unicuique manifestatio Spiritus ad utilitatem, *scilicet aliorum.*

3 I said « per se first, » because secondarily it can conduce to the salvation of the recipient, if he use it from charity toward God and neighbor, just as sanctifying grace can secondarily conduce to the salvation of others, through the example of the virtues.

> *Dixi « per se primo, » quia secundario potest conducere ad salutem recipientis, si ex charitate Dei et proximi ea utatur, sicut gratia gratum faciens potest secundario conducere ad salutem aliorum, per exempla virtutum.*

4 Nine species of grace gratis given are enumerated by the Apostle at the place cited, namely : word of wisdom, word of knowledge, faith, grace of healings, operation of virtues, gift of prophecy, discernment of spirits, kinds of tongues, interpretation of speeches.

> *Gratiae gratis datae novem species numerantur ab Apostolo, loco citato, scilicet : sermo sapientiae, sermo scientiae, fides, gratia sanitatum, operatio virtutum, prophetiae donum, discretio spirituum, genera linguarum, interpretatio sermonum.*

5 *You will ask* 2° whether this division is a fitting one.

> Petes *2° utrum conveniens sit haec divisio.*

6 *I answer.* affirmatively. And St. Thomas proves it[1] by the following reasoning, which also sufficiently manifests what each of these graces is. For the edification of the body of the Church and for the

salvation of others three things are required : 1° that man be allotted the fullness of the knowledge of divine things, and be able to instruct others; 2° that he be able to confirm and prove what he says, so that his doctrine may be efficacious; 3° that he be able to set forth fitly to his hearers the things he conceives. Now all these are found in the graces enumerated. Therefore. — *Proof of the minor.* As to the first, three things are necessary, as also appears in human teaching. That anyone should instruct another in any science, it is necessary : 1° that the principles of that science be most certain to him, and for this faith is posited; 2° that the doctor be rightly disposed regarding the principal conclusions of the science, and thus word of wisdom is posited, whose office is to conclude from the higher principles; 3° that he abound in examples and in the knowledge of natural effects, so that the invisible things of God may be clearly seen through the things that are made, understood, as is said *Rom.*, I, 20, and for this word of knowledge is posited; for science is the knowledge of human and natural things. As to the second, for confirming the things of faith that exceed reason, there must be employed those things that are proper to divine power, and this in two ways : 1° by doing what only the power of God can effect, in miraculous works, whether particular ones, for the salvation of bodies, and grace of healings is posited, or general ones, operating upon the whole order of nature, and operation of virtues is posited; 2° by knowing and revealing what God alone can know : to which, if future contingents are meant, prophecy is posited; if hidden things of hearts, discernment of spirits is posited. As to the third, two things are required : 1° that he who teaches be well versed in the tongue of those whom he instructs, and for this kinds of tongues are posited; 2° that he expound the sense of the word of God, which is sometimes hidden, and interpretation of speeches is posited. Therefore.

[1] Here q. 111, a. 4, c.

> Resp. *affirmative. Et hoc probat S. Thomas*[1] *sequenti ratione, quae etiam quid unaquaeque harum gratiarum sit satis manifestat. Ad aedificationem corporis Ecclesiae et ad aliorum salutem, tria requiruntur: 1° quod homo sit sortitus plenitudinem cognitionis divinorum, et possit alios instruere; 2° quod possit confirmare et probare quae dicit, ut ejus doctrina sit efficax; 3° ut ea quae concipit possit auditoribus convenienter proferre. Haec autem omnia in enumeratis gratiis inveniuntur. Ergo.* — Prob. *min. Quantum ad primum, tria sunt necessaria, sicut etiam patet in magisterio humano. Ut quis alium in scientia aliqua instruat, oportet: 1° ut principia illius scientiae sint ei certissima, et quantum ad hoc ponitur fides; 2° ut doctor recte se habeat circa principales conclusiones scientiae, et sic ponitur sermo sapientiae, cujus est ex altioribus principiis concludere; 3° quod abundet exemplis et cognitione effectuum naturalium, ut invisibilia Dei, per ea quae facta sunt intellecta, conspiciantur, ut dicitur* Rom., *I, 20, et ad hoc ponitur sermo scientiae; nam scientia est cognitio rerum humanarum et naturalium. Quantum ad secundum, ad confirmandas res fidei, quae rationem excedunt, adhiberi debent quae sunt divinae virtutis propria, et hoc dupliciter: 1° faciendo quae sola virtus Dei potest efficere in operibus miraculosis, sive particularibus, ad salutem corporum, et ponitur gratia sanitatum, sive generalibus, operando super totius naturae ordinem, et ponitur operatio virtutum; 2° cognoscendo et revelando quae solus Deus cognoscere potest: ad quod, si sint futura contingentia, ponitur prophetia; si sint occulta cordium, ponitur discretio spirituum. Quantum ad tertium, duo requiruntur: 1° ut qui docet, bene calleat linguam eorum quos instruit, et ad hoc ponuntur genera linguarum; 2° ut sensum verbi Dei, quod est quandoque occultum, explicet, et ponitur interpretatio sermonum. Ergo.*
>
> [1] *Hic q. 111, a. 4, c.*

[7] *For the solution of the objections*, note the following : 1° Faith here is not taken simply for theological faith, but for the special understanding and eminent certitude which inwardly firm up the mind concerning the principles of faith, and which, manifesting itself outwardly in words, renders them

efficacious for instructing and confirming others in the faith. 2° Wisdom and knowledge are gifts of the Holy Spirit, and pertain to sanctifying grace, insofar as they render man apt to be moved by the Holy Spirit for his own utility concerning the truths of faith; but insofar as they import an aptitude for expounding and unfolding the mysteries of faith for the utility of others, which faculty does not redound to one's own advantage nor is found in all the just, it pertains to grace gratis given. 3° The grace of healings and the operation of virtues are indeed akin to each other, but they differ : partly because they are often separated; partly because in the former especially shines the benignity of God toward the misery of men, while in the latter there rather appears the omnipotence of God commanding the whole of nature : and partly because the former allures to faith by way of benefit, the latter by way of prodigy, which displays the power of God revealing. 4° The priestly character, jurisdiction in the internal forum, and the special assistance granted by the Holy Spirit to the Church, are not graces gratis given, but pertain to operation and ministration, which the Apostle distinguishes from the graces gratis given, saying *I Cor.*, XII, 4-6 :

> Pro solutione objectionum, *adverte sequentia: 1° Fides hic non sumitur simpliciter pro fide theologica, sed pro speciali intelligentia et eminenti certitudine quae mentem interius firmat circa principia fidei, et quae exterius in verbis se manifestans, ea reddit efficacia ad alios instruendos et confirmandos in fide. 2° Sapientia et scientia sunt dona Spiritus sancti, et pertinent ad gratiam gratum facientem, prout reddunt hominem aptum ut ad propriam utilitatem moveatur a Spiritu sancto circa veritates fidei; prout vero important habilitatem ad exponenda et evolvenda mysteria fidei ad aliorum utilitatem, quae facultas non cedit in proprium commodum nec est in omnibus justis, pertinet ad gratiam gratis datam. 3° Gratia sanitatium et operatio virtutum sunt quidem inter se affines, sed differunt: tum quia saepe separantur; tum quia in prima praecipue elucet Dei benignitas erga miseriam hominum, in secunda vero magis apparet omnipotentia Dei toti naturae imperans: tum quia prima allicit ad fidem per modum beneficii, secunda per modum prodigii quod virtutem Dei revelantis ostentat. 4° Character sacerdotalis, jurisdictio in foro interno et specialis assistentia Spiritus sancti Ecclesiae concessa, non sunt gratiae gratis datae, sed pertinent ad operationem et ministrationem, quas Apostolus distinguit a gratiis gratis datis, dicens* I Cor*., XII, 4-6 :*

8 Now there are diversities of graces, but the same Spirit. And there are diversities of ministries, but the same Lord. And there are diversities of operations, but the same God, who worketh all in all. These however are distinguished, inasmuch as grace gratis given imports only the manifestative act of faith; but ministration or ministry denotes the authority for exercising some act in order toward others, as episcopacy and whatever prelacy; but operation is the execution of the ministry.

> *Divisiones vero gratiarum sunt, idem autem Spiritus. Et divisiones ministrationum sunt, idem autem Dominus. Et divisiones operationum sunt, idem vero Deus, qui operatur omnia in omnibus. Haec autem distinguuntur, quatenus gratia gratis data solum importat actum manifestativum fidei; ministratio vero seu ministerium dicit authoritatem exercendi aliquem actum in ordine ad alios, ut episcopatus et quaecumque praelatio; operatio autem est executio ministerii.*

9 *You will ask* 3° which of the graces is the more excellent : grace gratis given, or sanctifying grace?

> Petes *3° quae gratiarum sit excellentior: an gratis data, an gratum faciens?*

10 *I answer.* That sanctifying grace is the more excellent, the Apostle himself declares, at the place cited, after enumerating the graces gratis given, saying, 31 : *Yet I show unto you a more excellent way.* For sanctifying grace joins man immediately to God, whereas grace gratis given only causes others to be disposed for conjunction with God; whence, although the latter is ordinarily conceded to the just, nevertheless it can exist in sinners and wicked men, if it so seem expedient to God. Moreover,

nothing is more excellent than conjunction with God, which is effected immediately by sanctifying grace.]

> Resp. *gratiam gratum facientem esse excellentiorem, Apostolo, loco citato, post enumeratas gratias gratis datas, dicente, 31 :* Adhuc excellentiorem viam vobis demonstro. *Etenim gratia gratum faciens hominem Deo immediate conjungit, dum gratia gratis data facit tantum ut alii disponantur ad conjunctionem cum Deo; unde, quamvis haec posterior ordinarie justis concedatur, in peccatoribus tamen et pravis hominibus esse potest, si ita expedire Deo videatur. Porro conjunctione cum Deo, quae immediate per gratiam gratum facientem efficitur, nihil est praestantius.]*

Whether in this state of fallen nature there is sufficient grace?

1 [There are to be exposed first the various systems concerning sufficient and efficacious grace.

> *[Exponenda sunt primo varia systemata circa gratiam sufficientem et efficacem.*

2 1° Jansenius feigned that the distinction between the state of innocence and the state of fallen nature consisted in this, that in the former there were only sufficient graces hanging upon the will of Adam, while in the latter there are only efficacious graces absolutely dominating the will of man. From which principle he acknowledges no other cause of the necessity of inherent grace in the present state than the infirmity of nature corrupted and wounded by sin. This grace is nothing else than spiritual delight, or the indeliberate motion by which heavenly delight impels us to good, as concupiscence is the indeliberate motion of earthly delight by which we are impelled to evil: whence, according as one or other delight is superior, it becomes victor, and necessarily carries us away either to good or to evil. Jansenius does not deny indeed that in the state of fallen nature small graces are given to man which move him somehow toward good; but since in his system the force of grace is relative to concupiscence, these graces, which man resists, neither are nor can be sufficient, because they confer no true and expeditious power for overcoming the contrary concupiscence. Consequently Jansenius acknowledges in the present state no sufficient grace besides the efficacious, by giving which to act he gives at once also the power; nay rather, he gives the power because he gives the act. See above, de Actib. hum., dissert. II, a. 1, what liberty seems to this author to be, according to his doctrine.

> *1° Jansenius distinctionem inter statum innocentiae et statum naturae lapsae in eo sitam esse finxit, ut in priori non fuerint nisi gratiae sufficientes, pendentes ab Adami voluntate, in posteriori autem non sint nisi gratiae efficaces absolute hominis voluntati dominantes. Ex quo principio non agnoscit aliam causam necessitatis gratiae inhaerentis in praesenti statu, nisi infirmitatem naturae corruptae et vulneratae per peccatum. Haec gratia nihil aliud est quam delectatio spiritualis, seu motus indeliberatus quo delectatio coelestis nos impellit ad bonum, sicut cupiditas est motus indeliberatus terrenae delectationis quo ad malum impellimur: unde, secundum quod una vel altera delectatio est superior, fit victor, et nos necessario rapit vel ad bonum vel ad malum. Non negat quidem Jansenius, in statu naturae lapsae dari homini parvas gratias quae eum utcunque movent ad bonum; sed, cum in ejus systemate vis gratiae sit relativa ad cupiditatem, haec gratiae, quibus homo resistit, nec sunt nec possunt esse sufficientes, quia non conferunt veram et expeditam potestatem ad superandam cupiditatem contrariam. Consequenter non agnoscit Jansenius, in praesenti statu, aliam gratiam sufficientem praeter efficacem, qua dando agere, dat simul posse; quin imo dat posse, quia dat agere. Vide supra, de Actib. hum., dissert. II, a. 1, quid libertas authori huic videatur esse, secundum suam doctrinam.*

3 2° The Thomistic School, after its Doctor, professes the following things: 1° A twofold grace, namely sufficient and efficacious, is necessary in every state. The former is less perfect and less valid, which gives only power, rendering man apt for supernatural act; the latter is more powerful and more valid,

because it confers action. For the power of acting and action are two distinct entities in order both supernatural and natural; but man is a second cause subordinated to the first, indifferent of himself in acting and undetermined to acting or not acting, and of himself incapable, especially with his powers weakened by sin, of effecting any supernatural and meritorious act of salvation.—2° Sufficient grace is given to all, that is salvation is offered to each; efficacious grace is conferred on some only, namely from the twofold will which is in God relative to the salvation of men, the antecedent namely and the consequent, of which there was ample treatment in the tract. de Deo, dissert. VII, de voluntate Dei, art. 3 and 4.-3° Each grace is absolutely gratuitous; for each will of God concerning the salvation of men is a mere effect of his infinite mercy, wholly independent of their merits.—4° Efficacious grace is such of itself and from within, that is, from the most omnipotent will of God, and does not become efficacious from the consent of free will, which is always the effect and never the cause of this efficacy; so that it is always true to say a priori, God makes man consent because the grace is efficacious, never truly therefore that the grace is efficacious because man consents; otherwise God would not be first and immediate cause of this consent, and consequently of salvation. —5° From this efficacy no prejudice is inferred to liberty. For since the omnipotence of God extends to all entities and all differences and modes of entity, the motion which flows from it confers not only the substance of action, but also the mode in which it must come forth conformably to the nature of the second cause; so that if the cause be necessary, it moves so that it act of necessity, if the cause be free, it moves so that it act freely; and removing only passive indifference, it leaves entire active indifference, that is a true and complete power, the circumstances standing the same, of not acting, of resisting it, of doing the opposite, no otherwise than if will alone determined itself. Require what has been said abundantly concerning this gravest matter in tract. de Deo, dissert. VIII.

> *2° Schola Thomistica, post suum Doctorem, sequentia profitetur: 1° Duplex gratia, sufficiens scilicet et efficax, necessaria est in omni statu. Prior est minus perfecta et minus valida, quae dat tantum posse, reddendo hominem aptum actui supernaturali; posterior est potentior et validior, quia confert actionem. Potentia enim agendi et actio sunt duo entia distincta in ordine tam supernaturali quam naturali; homo autem est causa secunda subordinata primae, in agendo ex se indifferens et indeterminata ad agendum vel non agendum, et ex se incapax, praesertim viribus ejus peccato debilitatis, efficiendi ullum actum supernaturalem et meritorium salutis.—2° Gratia sufficiens omnibus datur, id est salus cuique offertur; gratia efficax aliquibus tantum confertur, nimirum ex duplici voluntate quae est in Deo relative ad hominum salutem, antecedente scilicet et consequente, de quibus fusè actum est in tract. de Deo, dissert. VII, de voluntate Dei, art. 3 et 4.-3° Utraque gratia est absolute gratuita; utraque enim voluntas Dei circa salutem hominum est merus effectus ejus infinitae misericordiae, prorsus independens ab eorum meritis.—4° Gratia efficax talis est ex se et ab intrinseco, hoc est, ex omnipotentissima Dei voluntate, et non fit efficax ex consensu liberi arbitrii, qui est semper effectus et nunquam causa hujus efficaciae; ita ut semper sit verum dicere a priori, Deo hominem consentire, quia gratia est efficax, nunquam vero ideo gratiam esse efficacem, quia homo consentit; alioquin Deus non esset causa prima et immediata hujus consensus, et consequenter salutis.—5° Ex hac efficacia nullum infertur libertati praejudicium. Cum enim Dei omnipotentia se extendat ad omnia entia et ad omnes differentias ac modos entis, motio quae ex illa profluit confert, non solum actionis substantiam, sed etiam modum quo fieri debet conformiter ad naturam causae secundae; ita ut, si causa sit necessaria, moveat ut necessario agatur, si causa sit libera, moveat ut agatur libere, et sublata dumtaxat indifferentia passiva, integram relinquit indifferentiam activam, hoc est veram et completam potentiam, iisdem stantibus circumstantiis, non agendi, illi resistendi, oppositum faciendi, non secus ac si sola voluntas se determinaret. Require quae abunde dicta sunt circa hanc gravissimam materiam in tract. de Deo, dissert. VIII.*

[4] 3° Very much at variance with Thomistic doctrine is the system of the Congruists. Louis Molina, celebrated theologian of the Society of Jesus, from whom his followers are called Molinists, taught

that no graces are given except sufficient of themselves, but that they become efficacious from the consent of human will, and that God often confers stronger and more abundant graces on those who resist than on those who actually convert; but that he predestined to the kingdom those whom through middle science he foresaw from innate liberty would consent to grace offered to all and would persevere in it. This middle science was exploded in tract. de Deo, dissert. VI, art. 6. Since the doctrine of Molina appeared new to many and displeasing, they attacked it, among others, distinguished theologians of the same Society, whose chief were Bellarmine, *lib.* I de Gratia et libero arbit., c. 12, Henriquez, in the twofold censure given in the years 1594 and 1597, and Mariana, *de Regimine Societ.*, c. 4; and it lacked little that it were destroyed by the censorial judgment of the holy See, after having been solemnly weighed in the congregations de Auxiliis, as was narrated in the dissertation cited above, § 6. The Society therefore tempered the system of this author, and prescribed to its alumni that they hold the system of congruous grace handed down by P. Suarez.

> *3° Multum a doctrina Thomistica discrepat systema Congruistarum. Ludovicus Molina, celebris Societatis Jesu theologus, et a quo dicuntur Molinistae ejus sequaces, docuit non dari gratias nisi sufficientes ex se, eas autem fieri efficaces ex consensu voluntatis humanae, Deumque saepe conferre iis qui resistunt gratias fortiores et abundantiores quam iis qui reipsa convertuntur, praedestinasse autem ad regnum quos per scientiam mediam praesivit ex innata libertate gratiae omnibus oblata consensuros et in ea perseveraturos. Haec scientia media fuit explosa in tract. de Deo, dissert. VI, art. 6. Cum doctrina Molinae multis nova appareret et displiceret, eam impugnarunt, inter alios, insignes ejusdem Societatis theologi, quorum praecipui fuerunt Bellarminus,* lib. *I de Gratia et libero arbit., c. 12, Henriquez, in duplici censura data annis 1594 et 1597, et Mariana,* de Regimine Societ.*, c. 4, et parum abfuit ut censorio sanctae Sedis judicio conficeretur, postquam solemniter trutinata fuit in congregationibus de Auxiliis, ut narratum est in dissert. supradicta, § 6. Societas ergo hujus authoris systema temperavit, et suis alumnis praescripsit ut gratiae congruae systema a P. Suarez traditum tenerent.*

5 Further, in the theory of the Congruists grace is twofold: The former is incongruous, so called because it is not sufficiently accommodated to the disposition, inclinations, place, time, and other conditions and circumstances in which stands him who receives it, so as to obtain his consent, and therefore is only sufficient. The latter is congruous, because it is thus accommodated to the conditions and circumstances in which is constituted him to whom it is given, so as to obtain his consent; whence it is always efficacious, otherwise it would not be congruous. It has this infallible efficacy not of itself, as Thomists will, but, according to some of its asserters, from its congruity, according to others from divine prescience itself (which reduces to middle science), or from both together. Grace of this kind, as to physical being, has nothing more, on the part of God, than incongruous grace; but it has something more as to moral being, insofar namely as God, from special benevolence, confers it upon someone in those circumstances in which he certainly foresaw him about to consent, when he could confer it otherwise. Whence Congruists affirm that such grace is a greater benefit than incongruous grace, and distinguished from it not only as to the second act and on the part of the consenting creature, but even as to the first act and on the part of God.

> *Porro, in theoria Congruistarum gratia est duplex: Prior est incongrua, sic dicta quia non est satis accommodata indoli, inclinationibus, loco, tempori, aliisque conditionibus et circumstantiis in quibus versatur is qui eam recipit, ut ab eo consensum obtineat, et ideo non est nisi sufficiens. Posterior est congrua, quia ita est accommodata conditionibus et circumstantiis in quibus constituitur is cui datur, ut ab eo consensum obtineat; unde semper est efficax, alias non esset congrua. Hanc ergo infallibilem efficaciam non habet ex se, ut volunt Thomistae, sed, secundum aliquos ejus assertores, ex sua congruitate, juxta alios ex ipsa praescientia divina (quod reducitur ad scientiam mediam), aut ex utraque simul.*

Hujusmodi gratia, quantum ad esse physicum, nihil amplius habet, ex parte Dei, quam gratia incongrua; habet autem aliquid amplius quantum ad esse morale, quatenus scilicet Deus, ex speciali benevolentia, eam alicui confert in iis circumstantiis in quibus certo praevidit ipsum consensurum esse, cum posset eam aliter conferre. Unde affirmant Congruistae, talem gratiam majus esse beneficium quam gratia incongrua, et ab ea distingui, non solum quantum ad actum secundum et ex parte creatura consentientis, sed etiam quantum ad actum primum et ex parte Dei.

6 4° The theologians called Augustinians agree with pure Molinists as to the state of integral nature, but with Thomists as to the state of fallen nature, except that they seek the necessity of grace efficacious per se from the sole infirmity of nature, whereas Thomists seek it moreover from the dependence of the second cause on the first, and from its indifference.

4° Theologi qui dicuntur Augustiniani, quantum ad statum naturae integrae consentiunt puris Molinistis, Thomistis vero quantum ad statum naturae lapsae, excepto quod necessitatem gratiae per se efficacis repetant ex sola infirmitate naturae, dum Thomistae eam insuper repetant ex dependentia causa secundae a prima, et ex ejus indifferentia.

7 5° All theologians who admit neither the system of Molina nor of the Congruists, or middle science, stand for the system of grace efficacious per se as to substance, but differ among themselves only as to the mode of explaining this efficacy. For some explain it through sympathy, some through moral motions, some through delight, some through indeliberate acts, some through the sole divine decree, some through multiplication of assists, some finally through physical premotion, which is admitted in our school.

5° Omnes theologi qui systema vel Molinae, vel Congruistarum, seu scientiam mediam, non admittunt, stant pro systemate gratiae per se efficacis quoad substantiam, dissentiunt autem inter se dumtaxat quoad modum explicandi hanc efficaciam. Quidam enim eam explicant per sympathiam, quidam per motiones morales, quidam per delectationem, quidam per actus indeliberatos, quidam per solum divinum decretum, quidam per multiplicationem auxiliorum, quidam tandem per praemotionem physicam, qua in schola nostra admittitur.

8 6° There is another singular system formerly championed by Alphonse Le Moine, and afterwards revived by Honoré Tournely, concerning sufficient grace in the Molinist sense for easy works, especially prayer: as if Christian prayer, attended with all its conditions, such as it must be to become impetratory, were not a difficult and most excellent work of salvation, and could withdraw itself from the graciousness of grace.

6° Est aliud singulare systema olim propugnatum ab Alphonso Le Moine, et postea ab Honorato Tournely suscitatum, de gratia sufficienti sensu moliniano ad facilia opera, praesertim ad orationem : quasi vero oratio christiana, omnibus suis conditionibus stipata, qualis debet esse ut fiat impetratoria, non sit opus difficile et praestantissimum salutis, possitque subtrahi dignationi gratiae.

9 Therefore this system must be reduced to Molinism, and is attacked by the same arguments.

Hoc ergo systema revocari debet ad Molinismum, iisdemque argumentis impugnatur.

10 These things premised,

His itaque praemissis,

11 **I say**: Besides efficacious grace, there is given in the state of fallen nature a *sufficient grace*. This is against Jansenius, nor does it seem possible to deny it saving faith.

***Dico** : Praeter gratiam efficacem, datur in statu naturae lapsae* gratia sufficiens. *Est contra Jansenium, nec videtur salva fide posse negari.*

12 *It is proved.* Sufficient grace is that which gives the power of doing salutary good, even in those who do not do it, or which gives the faculty of a holy work, but lacking effect through the fault of created will. But grace of this kind is given in the state of fallen nature. Therefore. — The major is the notion of sufficient grace, as we understand it. — Proof of minor 1° Of faith it is that the commandments of God are possible to the just, who nevertheless do not fulfill them, as defined by council Trid., session VI, chapter 11 and can. 18 ^ 1, and by supreme Pontiffs in the condemnation of the first proposition of Jansenius. Therefore there is given them the grace whereby they become possible; for they are not possible to them by forces of nature, especially since among them are supernatural things: and this grace is not efficacious, because, as I suppose, they do not fulfill it. Therefore sufficient.

Probatur. *Gratia sufficiens est quae dat posse facere bonum salutare, etiam in iis qui illud non faciunt, seu quae dat facultatem saneti operis, sed effectu carentem culpa voluntatis creata. Atqui datur hujusmodi gratia in statu naturae lapsae. Ergo. — Major est notio gratiae sufficientis, prout eam intelligimus. — Prob. min. 1° De fide est mandata Dei esse possibilia justis, qui tamen illa non implent, ut definitum est a concil. Trid., sess. VI, cap. 11 et can. 18 ^ 1, et a summis Pontificibus in condemnatione primae propositionis Jansenii. Ergo datur eis gratia qua possibilia fiant; non enim eis sunt possibilia viribus naturae, praesertim cum inter ea sint supernaturalia : et haec gratia non est efficax, quia, ut suppono, ea non implent. Ergo sufficiens.*

13 [1]

[1] Can. 18: « If anyone shall say that the precepts of God are, even for a man justified and constituted under grace, impossible to observe; let him be anathema. »

1

[1] Can. 18 : « Si quis dixerit, Dei praecepta homini etiam justificato et sub gratia constituto esse ad observandum impossibilia ; anathema sit. »

14 *It is proved 2°* the same minor from SS. Augustine and Thomas.

Prob. 2° *eadem min. ex SS. Augustino et Thoma.*

15 Augustine lib. de Natura et Gratia, c. 43, n. 50, teaches that God does not command impossibilities ^ 1. Therefore he supposes there is given grace whereby they become possible, even in those who do not keep them. Therefore sufficient grace. St. Thomas, I ^ a II ^ ae, q. 106, a. 2, ad 2: « The new law, he says, of itself gives sufficient help against sinning. » Others from the holy Doctor I shall relate in the following article.

Augustinus lib. de Natura et Gratia, c. 43, n. 50, docet Deum non praecipere impossibilia ^ 1. Ergo supponit dari gratiam qua possibilia fiant, etiam in iis qui ea non servant. Ergo gratiam sufficientem. S. Thomas, I ^ a II ^ ae, q. 106, a. 2, ad 2 : « Nova lex, inquit, quantum est de se, sufficiens auxilium dat ad non peccandum. » Alia ex S. Doctore referam art. sequenti.

16 Add to these this second condemned proposition of Jansenius: « To interior grace, in the state of fallen nature, resistance is never made. » Therefore there is given interior grace which is resisted, and which therefore is not efficacious, but only sufficient.

His adde hanc secundam Jansenii propositionem damnatam : « Interiori gratiae, in statu naturae lapsae, nunquam resistitur. » Ergo datur gratia interior cui resistitur, quaeque ideo non est efficax, sed sufficiens tantum.

17 *Objections are solved.*

> Soluuntur objectiones.

18 The Jansenians object 1° several texts of Augustine in which he requires efficacious grace, that man may be able to will and do good.

> *Objiciunt 1° Janseniani plures textus Augustini, quibus requirit gratiam efficacem, ut homo possit velle et facere bonum.*

19 *I answer.* Augustine must be understood of consequent power joined with act, not of antecedent power of mere possibility.

> Resp. *Augustinum intelligendum esse de potentia consequente et conjuncta cum actu, non de potentia antecedente et merae possibilitatis.*

20 *You will insist.* Augustine, de Correpт. et Grat., chapters 10, 11 and 12, n. 26-39, establishes this difference between the grace of the state of innocence and the grace of the state of fallen nature, that sufficient grace would be proper to the state of innocence, but efficacious grace proper to the state of fallen nature. Therefore, according to Augustine, no merely sufficient grace is given in the state of fallen nature.

> Inst. *Augustinus, de Correpт. et Grat., cap. 10, 11 et 12, n. 26-39, in hoc statuit discrimen inter gratiam status innocentiae et gratiam status naturae lapsae, quod gratia sufficiens esset propria statui innocentiae, gratia vero efficax sit propria statui naturae lapsae. Ergo, juxta Augustinum, nulla datur gratia sufficiens tantum in statu naturae lapsa.*

21 *I answer.* I deny the antecedent. Augustine indeed teaches that there was given to Adam only sufficient grace unto perseverance, and that now efficacious grace is given to the predestined; but he does not say that this latter is proper to this state, and the former proper to the state of innocence. But herein he places the difference between the graces of both states, that man in this state needs for perseverance actually, not only grace moving and applying according to the com-

> Resp. *Nego ant. Equidem docet Augustinus, Adamo datam fuisse tantum gratiam sufficientem ad perseverandum, et nunc dari praedestinatis efficacem; at non dicit hanc esse propriam huic statui, et illam propriam statui innocentiae. In hoc autem inter utriusque status gratiam ponit discrimen, quod homo in hoc statu ad perseverandum actu indigeat, non solum gratia secundum commu-*

22 [1]

[1] « God therefore does not command impossibilities, but by commanding admonishes thee to do what thou canst and to ask what thou canst not, etc. »

> *1*
>
> *1 « Non igitur Deus impossibilia jubet, sed jubendo admonet, et facere quod possis, et petere quod non possis, etc. »*

23 mon course, but special grace healing and strengthening his infirmity; but Adam, whose nature was sound and robust, needed only grace applying and moving according to the common course, not another special one healing and strengthening beyond the common course. See what I said more than enough concerning that difficulty in dissert. II of this treatise, a. 4.

> *nem cursum movente et applicante, sed gratia speciali sanante et roborante ejus infirmitatem ; Adam vero, cujus natura erat sana et robusta, indiguerit tantum gratia secundum communem cursum applicante et movente, non altera speciali*

praeter communem cursum sanante et roborante. Vide quae de ista difficultate plus quam satis dixi dissert. II hujus tract., a. 4.

24 *Obj.* 2°: According to Thomists, every interior grace, even that which they call sufficient, has an effect. Therefore every interior grace is efficacious, and none merely sufficient.

Obj. 2° *: Juxta Thomistas, omnis gratia interior, etiam illa quam vocant sufficientem, habet effectum. Ergo omnis gratia interior est efficax, et nulla mere sufficiens.*

25 *I answer.* I distinguish the antecedent. Every grace has an imperfect and less principal effect, *I concede*; perfect and principal, for which it is given, *I deny*. Whence I distinguish the consequence. Therefore every grace is efficacious secundum quid and with a diminishing addition, *I concede*; simply and absolutely, *I deny*. It is explained.

Resp. *Dist. ant. Omnis gratia habet effectum imperfectum et minus principalem,* conc.*; perfectum et principalem ad quem datur,* nego. *Unde dist. conseq. Ergo omnis gratia est efficax secundum quid et cum addito minuente,* conc.*; simpliciter et absolute,* nego. *Explicatur.*

26 Thomists indeed teach that there is no actual grace intrinsically received, even that which they call sufficient, which has not some effect, because it is impossible that God move my will and my will be not moved; for the action of the mover in the moved is motion. Truly, because the effect which grace produces, which remains sufficient, is not the principal one which it intends and for which it is given (for it tends, both from the will of God giving it, and from its own nature, to a further and more perfect effect, namely either conversion or meritorious act, which it does not obtain, seeing that it disposes to it and confers the power), therefore it cannot be called simply and absolutely efficacious; but, on the contrary, saying under restriction that it is efficacious as to some less principal effect, namely a power more or less proximate to acting, it must be said simply and absolutely inefficacious, for the reason that it does not obtain the principal effect to which it is ordered and disposes, and for which it confers power: because, according to the philosophers, the simple and absolute denomination of anything is sought from that which is in it more perfect and principal.

Equidem docent Thomistae, nullam esse gratiam actualem intrinsece receptam, etiam illam quam vocant sufficientem, qua non habeat aliquem effectum, quia impossibile est quod Deus moveat meam voluntatem et mea voluntas non moveatur; actio enim moventis in moto est motus. Verum, quia effectus quem producit gratia quae remanet sufficiens, non est principalis quem intendit et ad quem datur (etenim, et ex voluntate Dei illam dantis, et ex propria natura, tendit ad ulteriorem et perfectiorem effectum, puta vel conversionem, vel actum meritorium, quem non obtinet, si quidem ad eum disponat et potentiam conferat), ideo non potest dici simpliciter et absolute efficax; sed, e contra, dicendo sub restrictione quod sit efficax quantum ad aliquem et minus principalem effectum, scilicet potentiam plus vel minus proximam agendi, debet dici simpliciter et absolute inefficax, eo quod non obtineat principalem effectum ad quem ordinatur et disponit et pro quo confert potentiam : quia, juxta philosophos, denominatio simplex et absoluta alicujus rei, petitur ab eo quod est in ea perfectius et principalior.

In what sense sufficient grace must be admitted?

1 **I say** : Sufficient grace must be admitted in the Thomistic sense, and not otherwise.

***Dico** : Admittenda est gratia sufficiens sensu Thomistico, non alio.*

2 *It is proved.* Sufficient grace, in the Thomistic sense, is that which confers on man the faculty of acting well; beyond which, in order that he may act well, or use this faculty well, another stronger

assist is required, namely the efficacious. But sufficient grace in this sense must be admitted. Therefore. — The minor, as to the first part, namely that grace must be admitted which gives the power of doing good even to those who do not do it, remains proved from the preceding article. — The second part is proved. Good action is something distinct from the power of acting well, something nobler and more perfect than it, and what is principal in the work of salvation. But God is the first and immediate cause of salvation and of every salutary act. Therefore, as by sufficient grace there is constituted the first and immediate cause of the power of acting well, so by efficacious grace distinct from the sufficient there ought to be constituted the first and immediate cause of the salutary act.

> Probatur. *Gratia sufficiens, sensu Thomistico, est quae confert homini facultatem bene agendi, ultra quam, ut bene agat, aut bene utatur hac facultate, requiritur altera validior, scilicet efficax. Atqui admittenda est gratia hoc sensu sufficiens. Ergo. — Minor, quoad primam partem, nempe admittendam esse gratiam quae det posse facere bonum etiam iis qui non faciunt, probata manet ex articulo praecedenti. — Prob. secunda pars. Actio bona est quid distinctum a potentia bene agendi, quid nobilius et perfectius ipsa et quod praecipuum est in negotio salutis. Atqui Deus est prima et immediata causa salutis et omnis actus salutaris. Ergo, sicut per gratiam sufficientem constituitur prima et immediata causa potentiae bene agendi, ita per gratiam efficacem a sufficienti distinctam constitui debet prima et immediata causa actus salutaris.*

3 *It is confirmed.* Sufficient grace cannot be admitted in the sense of Molina or of the Congruists. Therefore it must be admitted in the sense of the Thomists. — The antecedent is proved. According to Molina, the good use of sufficient grace, or the consent which man gives to it, is not from God as from the first cause giving it, but God expects it from the created will; and at most it is from God as concause through simultaneous concurrence; which cannot be admitted. The same must be said of congruous grace; for this, its Congruist defenders being judges, has nothing more in the order of physical entity and of assist than the grace of Molina. Therefore. These few things for now; for whatever proves the necessity of grace efficacious of itself, of which below, proves this conclusion.

> Confirmatur. *Non potest admitti gratia sufficiens sensu Molinae vel Congruistarum. Ergo admittenda est sensu Thomistarum. — Prob. ant. Juxta Molinam, bonus usus gratiae sufficientis, seu consensus quem illi praebet homo, non est a Deo tamquam a causa prima dante illum, sed eum Deus expectat a voluntate creata, et ad summum est a Deo ut concausa per concursum simultaneum; quod admitti non potest. Idem dicendum de gratia congrua; haec enim, facientibus ipsis Congruistis, nihil plus habet in ratione entis physici et auxilii, quam gratia Molinae. Ergo. Haec pauca nunc ; quaecumque enim probant necessitatem gratiae per se efficacis, de qua infra, probant hanc conclusionem.*

4 *Obj. 1°* : This grace is not sufficient, beyond which another is required. But beyond grace sufficient in the Thomistic sense another is required. Therefore. — The major is evident; because sufficient is that beyond which nothing is required.

> Obj. 1° *: Ista gratia non est sufficiens, praeter quam alia requiritur. Atqui, praeter gratiam sensu Thomistico sufficientem, alia requiritur. Ergo. — Patet maj.; quia sufficiens est praeter quod nihil requiritur.*

5 *I answer. I distinguish* the major. This grace is not sufficient on every side and in every genus, beyond which another is required, *I concede* the major; it is not sufficient in its own genus, *I deny* the major. To make plain its sense *I distinguish* the minor. But, beyond grace sufficient in the Thomistic manner, another is required in a diverse genus, *I concede* the minor; in the same genus, *I deny* the minor. Whence to the proof of the major I similarly distinguish. That is sufficient beyond which nothing else is required in any other genus whatever, *I subdivide*. Only this is said to be sufficient, *I deny*; and

moreover that is said to be sufficient beyond which nothing else is required in its own genus, although something else be required in a diverse genus, *I concede*.

> Resp. *Dist. maj. Ista gratia non est sufficiens ex omni parte et in omni genere, praeter quam alia requiritur,* conc. *maj.; non est sufficiens in suo genere,* nego *maj. Ad cujus sensum dist. min. Atqui, praeter gratiam thomistice sufficientem, requiritur altera in diverso genere,* conc. *min.; in eodem genere,* nego *min. Unde ad probat. maj. similiter dist. Illud est sufficiens, praeter quod nihil aliud requiritur in quovis alio genere, subdistinguo. Et hoc solum dicitur sufficiens,* nego*; et insuper dicitur sufficiens id praeter quod nihil aliud requiritur in suo genere, licet aliud requiratur in diverso genere,* conc.

6 We say therefore that grace, which so gives man the faculty of acting well that, if he do not act, this is not because he cannot, but because he wills not: we say, I say, that such grace, in its proper and natural sense and according to the common mode of speaking, is and is called sufficient, although for actual action another efficacious grace be required. For indeed it is not sufficient in every genus and order, since another of another genus and order is required; but it is sufficient in its own genus and order. And we say that to speak thus is to speak in the proper sense and as we commonly speak. For daily we say that fire is sufficient for burning, although moreover it must be applied to the combustible subject; that bread is sufficient for nourishing, although besides it must be chewed, swallowed and digested; that the intellect is sufficient for understanding, although it never understands unless further intelligible species be employed and the object applied by a further motion; that the passion of Christ is sufficient for saving us, even if it never save us, unless his merits be applied to us from elsewhere; and six hundred other things: thus, I say, we speak in common speech. So speaks St. Thomas, bringing forward the same examples here I^a, q. 109, a. 1, c, and III^a p., q. 61, a. 1, ad 3.

> *Dicimus itaque, gratiam quae sic dat homini facultatem bene agendi, ut si non agat, non ideo sit quia non potest, sed quia non vult : dicimus, inquam, talem gratiam proprio et naturali sensu atque juxta communem loquendi modum esse et vocari sufficientem, quamvis ad actu agendum requiratur altera efficax. Equidem non est sufficiens in omni genere et ordine, cum requiratur alia alterius generis et ordinis; sed est sufficiens in suo genere et ordine. Et dicimus quod sic loqui, sit loqui in sensu proprio et prout communiter loquimur. Enimvero quotidie dicimus, ignem esse sufficientem ad comburendum, licet ultra debeat applicari subjecto combustibili ; panem esse sufficientem ad nutriendum, quamvis praeterea debeat masticari, deglutiri et concoqui; intellectum esse sufficientem ad intelligendum, licet nunquam intelligat, nisi ulterius adhibeantur species intelligibiles et admoveatur objecto per ulteriorem motionem; passionem Christi esse sufficientem ad nos salvandos, etiamsi nunquam nos salvet, si aliunde nobis ejus merita non applicentur, et sexcenta alia : sic, inquam, loquimur sermone communi. Sic loquitur S. Thomas, eadem exempla proferens hic I^a, q. 109, a. 1, c, et III^a p., q. 61, a. 1, ad 3.*

7 Therefore just as, when we say that fire is sufficient for burning, the intellect for understanding, bread for nourishing, the passion of Christ for saving us, these phrases do not signify, in the proper sense and common mode of speaking, that for burning, understanding, nourishing, saving us, de facto nothing else is required in any other genus besides fire, or intellect, or bread, or the passion of Christ; but only that, as to the power of burning, understanding, nourishing, saving us, no other power is required than that of fire, or intellect, or bread, or of the passion of Christ: so, when we say that grace is sufficient for acting well, this phrase, in the proper sense and according to the common mode of speaking, does not signify that, for actual action, nothing else is required in any other genus; but only that, without any other power of the same order, it confers on us the sufficient faculty of

acting well, if we will. Wherefore it is unskillfully objected to us that we abuse terms, and that we teach a sufficient grace which does not suffice.

> *Sicut ergo, cum dicimus ignem esse sufficientem ad comburendum, intellectum ad intelligendum, panem ad nutriendum, passionem Christi ad nos salvandos, istae phrases non significant, in sensu proprio et communi loquendi modo, ad comburendum, intelligendum, nutriendum, nos salvandos, de facto nihil aliud requiri in quovis alio genere, praeter vel ignem, vel intellectum, vel panem, vel passionem Christi; sed tantum quod, quantum ad virtutem comburendi, intelligendi, nutriendi, nos salvandi, non alia requiratur virtus quam vel ignis, vel intellectus, vel panis, vel passionis Christi : ita, cum dicimus, gratiam esse sufficientem ad bene agendum, ista phrasis, in sensu proprio et secundum communem modum loquendi, non significat, ad actu agendum, nihil aliud requiri in quovis alio genere; sed tantum quod sine quavis alia virtute ejusdem ordinis conferat nobis sufficientem facultatem bene agendi, si velimus. Quapropter imperite nobis objicitur quod abutamur terminis, quodque doceamus gratiam sufficientem quae non sufficit.*

8 *You will ask*: Passing over the question of the name, and granting that grace sufficient in the Thomistic sense can be called sufficient with sound sense, inasmuch as it gives sufficiently the power: at least it is truly insufficient for actually operating, or for actually observing the commandment. But for this it ought to be sufficient, because God does not command us that we may be able to observe the commandments, but that we observe them de facto. Therefore. — The major is proved. That grace is insufficient for actually observing the commandment, to which something is wanting for its actual observance which is not in our power. But efficacious grace, which the Thomists require for actual observance, is wanting, and is not in our power. Therefore. So Honoratus Tournely, quest. VII on Grace, a. 4, concl. 3.

> Inst. *: Omissa quaestione de nomine, et dato gratiam thomistice sufficientem posse sano sensu dici sufficientem, quatenus dat sufficienter posse : saltem est revera insufficiens ad actu operandum, seu actu observandum mandatum. Atqui ad hoc debet esse sufficiens, quia Deus non praecipit nobis ut possimus observare mandata, sed ut de facto observemus. Ergo. — Prob. maj. Illa gratia est insufficiens ad observandum actu mandatum, cui ad actualem observationem deest aliquid quod non est in nostra potestate. Atqui gratia efficax quam Thomistae requirunt ad actualem observantiam, deest, et non est in nostra potestate. Ergo. Ita Honoratus Tournely, quaest. VII de Gratia, a. 4, concl. 3.*

9 *I answer. I deny* the major. To the proof *I distinguish* the minor. Efficacious grace is not in our power, as an effect subsisting under it, *I concede*; as a cause by which it is made ready for it, *I deny*. For God, as far as in him lies, is ready to give efficacious grace to all who have sufficient grace, nor does he deny it to anyone except on account of fault, which at least in order and nature precedes the subtraction of efficacious grace. You have this difficulty drawn out at greater length in the treatise on God, dissert. IX, a. 4, § 3. See.

> Resp. *Nego maj. Ad prob., dist. min. Gratia efficax non est in nostra potestate, ut effectus qui illi subsit,* conc.*; ut causa qua illi praesto sit,* nego. *Deus enim, quantum est ex se, paratus est omnibus qui habent gratiam sufficientem dare efficacem, nec eam ulli denegat, nisi propter culpam quae saltem ordine et natura praecedit subtractionem gratiae efficacis. Hanc difficultatem latius deductam habes in tract. de Deo, dissert. IX, a. 4, § 3. Vide.*

10 *Obj. 2°*: Grace sufficient in the Thomistic sense is utterly useless.

> Obj. 2°*: Gratia thomistice sufficiens est prorsus inutilis.*

11 Therefore it is not to be admitted. — The antecedent is proved. That grace is useless which no one ever uses. But with grace sufficient in the Thomistic sense no one ever uses. Therefore.

Ergo non est admittenda. — Prob. ant. Illa gratia est inutilis, qua nemo unquam utitur. Atqui gratia thomistice sufficienti nemo unquam utitur. Ergo.

12 *I answer.* With our Goudin, *I distinguish* the antecedent. Grace sufficient in the Thomistic sense is useless of itself, *I deny*; per accidens, through man's defect, *I concede*. For it gives of itself true power, which is useful; and if man use it not, the fault is man's, not grace's. But God, as in nature, so in grace bestows many things useful of themselves which, through our defect, lack their effect.

Resp. *cum nostro Goudin, dist. ant. Gratia thomistice sufficiens est inutilis ex se,* nego*; per accidens, defectu hominis,* conc. *Dat enim ex se verum posse, quod utile est; quod si homo eo non utatur, hominis, non gratiae, culpa est. Deus autem, sicut in natura, sic in gratia multa praestat ex se utilia, quae nostro defectu carent effectu.*

13 To what is added, that with grace sufficient in the Thomistic sense no one ever uses, *I distinguish*. No one uses grace sufficient in the Thomistic sense, reduplicatively as merely sufficient, *I concede*; specificatively as giving the faculty of good, *I deny*. Sufficient grace can be considered in two ways, which, as the praised Goudin observes, most people do not sufficiently advert to: 1° as it is merely sufficient, under which notion it connotes God's permission that man fail it and resist it; and in this sense it is true that no one uses that grace well. 2° It can be considered as to its proper entity and its own precise effect, which is to give the power of good; and in this sense it is false that no one uses it well; for most, considering it thus, use it well and act well, although this very thing, that they use it well, is an effect of efficacious grace. Therefore as the power of bearing fruit in plants is not in vain, although in most, on account of accidental defects, it remain without effect, because in others it bears fruit; so, in like manner, in our case.

Ad id quod additur, gratia thomistice sufficienti neminem unquam uti, dist. Nemo utitur gratia thomistice sufficienti, reduplicative ut mere sufficienti, conc.*; specificative ut dat facultatem boni,* nego*. Gratia sufficiens potest dupliciter considerari, quod, ut observat laudatus Goudin, plerique non satis advertunt: 1° ut est mere sufficiens, sub qua ratione connotat permissionem Dei ut homo ei desit illique resistat ; et hoc sensu verum est, neminem illa gratia bene uti. 2° Spectari potest quoad propriam entitatem et proprium praecise effectum, qui est dare posse bonum, et hoc sensu falsum est, neminem ea bene uti ; nam plerique illa sic considerata bene utuntur et bene agunt, licet hoc ipsum, quod bene ea utantur, sit effectus gratiae efficacis. Sicut ergo virtus fructificandi in plantis non est frustra, licet in plerisque, propter defectus accidentales, remaneat sine effectu, quia in aliis fructum fert; ita, a pari, in nostro casu.*

What is the help of sufficient grace, and of how many kinds?

1 **I say** : Sufficient aid does not consist in one single determinate indivisible thing, but in several things concurring to our acts, each one in its own genus and inadequately.

***Dico** : Auxilium sufficiens non consistit in aliquo uno determinato indivisibili, sed in pluribus concurrentibus ad actus nostros, unoquoque in suo genere et inadaequate.*

2 *It is proved.* By the name of sufficient aid we understand all that which God grants us so that we can perform a salutary work, in such a way that, not from defect of aid, but from man withdrawing himself from divine aid, the good is omitted or evil is done. Now God helps us in a manifold way toward good: at one time externally by law, by preachings, exhortations, examples, miracles, scourges, benefits, etc.; at another internally, by illuminations of the mind, motions of the will and infused habits of virtue. Therefore.

Probatur. *Nomine auxilii sufficientis intelligimus id omne quod Deus nobis concedit, ut possimus facere opus salutare, ita ut, non defectu auxilii, sed hominis se divino auxilio subtrahentis, bonum omittatur aut malum fiat. Atqui Deus nos multiplici modo adjuvat ad bonum, modo exterius per legem, per praedicationes, exhortationes, exempla, miracula, flagella, beneficia, etc.; modo interius, per mentis illustrationes, voluntatis motiones et habitus infusos virtutum. Ergo.*

3 *It is confirmed.* That is sufficient aid which man resists. Now Scripture sets forth several kinds of graces which man resists, such as those I was just recounting. Therefore.

Confirmatur. *Auxilium sufficiens est, cui homo resistit. Atqui Scriptura exhibet plura genera gratiarum quibus homo resistit, qualia sunt quae modo recensebam. Ergo.*

4 Hence you will gather that there are various divisions of sufficient aid.

Hinc colliges, varias esse divisiones auxilii sufficientis.

5 1° It is divided into external and internal. To the external belong what I have already said: law, preaching, exhortation, example, miracles, adversities, benefits, indeed even a certain disposition of created things directed and ordered by special providence in ordine to salvation. The internal is that which God works within man, to advance him toward good and call him away from evil. It is twofold: one transient, such as are illuminations of the mind and motions of the will; the other permanent, such as are infused habits.

1° Dividitur in externum et internum. Ad externum pertinent quae jam dixi : lex, praedicatio, exhortatio, exempla, miracula, adversitates, beneficia, imo certa rerum creatarum dispositio per specialem providentiam directa et imperata in ordine ad salutem. Internum est quod Deus intra hominem operatur, ad ipsum promovendum in bonum et avocandum a malo. Est duplex : unum transiens, ut sunt illustrationes mentis et motiones voluntatis ; alterum permanens, ut sunt habitus infusi.

6 2° Sufficient aid is divided into moral and physical. To the moral belong the external aids by which God moves us to good, either by showing the good, or by threatening evil. To it also belong the illuminations of the mind, which although they are physical with respect to the mind, are nevertheless moral with respect to the will, inasmuch as they move it only objectively, by the proposal of good or evil. Physical is that by which God, as efficient cause, moves man, acting upon the will and changing it.

2° Dividitur auxilium sufficiens in morale et physicum. Ad morale pertinent auxilia externa, quibus Deus, vel ostensione boni, vel comminatione mali, ad bonum nos movet. Ad illum etiam pertinent illustrationes mentis, quae quamvis respective ad mentem sint physica, respective tamen ad voluntatem sunt morales, quatenus eam tantum movent objective, propositione boni vel mali. Physicum est quo Deus, ut causa efficiens, hominem movet, operando in voluntate et eam immutando.

7 3° It is divided into proximate and remote. Proximate is that by which one is said to be able to do a good work in such wise that he is, e.g., proximately able with respect to his acts, as infused habits. Remote is that by which one is indeed not proximately able for the act, but yet can do something more easily, which if he does, he will arrive at the act: e.g., a sinner is not proximately able to overcome grave temptations, but he can pray through grace, which if he does, he will become proximately able to overcome temptations. This difference Trident., session VI, chapter 11 indicates from Augustine, when it says: « God does not command impossibilities, but by commanding admonishes you both to do what you can » — behold proximately sufficient aid — « and to pray for

what you cannot » — behold remotely sufficient aid. This distinction is especially useful for resolving many difficulties.

> *3° Dividitur in proximum et remotum. Proximum est quo quis sic dicitur posse bonum opus facere, ut sunt, v. g., habitus infusi respective ad suos actus. Remotum est quo quis non est quidem proxime potens ad actum, sed tamen potest facere aliquid facilius, quod si faciat, perveniet ad actum : v. g., peccator non est proxime potens ad superandas graves tentationes, sed potest per gratiam orare, quod si faciat, fiet proxime potens ad vincendas tentationes. Hanc differentiam indicat Trid., sess. VI, cap. 11, ex Augustino, dum dicit : « Deus impossibilia non jubet, sed jubendo monet, et facere quod possis : » ecce auxilium proxime sufficiens, « et petere quod non possis : » ecce remote sufficiens. Haec distinctio est apprime utilis ad solvendas plures difficultates.*

On Efficacious Grace

1 **Whence should its efficacity be sought, and is it per se efficacious?**

> ***Unde repetenda sit ejus efficacia, et an sit per se efficax ?***

2 By efficacious grace we understand here that which has its effect in reality and to which no resistance is made, so that, of what power soever it be strong, if it attain not its effect, it is not efficacious; because efficacious grace is taken here as distinguished from sufficient. Sufficient is called that which gives the power, efficacious that which gives the acting.

> *Gratiam efficacem intelligimus hic eam quae reipsa habet effectum et cui non resistitur, ita ut, quanta vi polleat, si non sortiatur effectum, non sit efficax; quia sumitur hic gratia efficax prout distinguitur a sufficiente. Sufficiens dicitur qua dat posse, efficax quae dat agere.*

3 That efficacious grace is given in this sense no one denies. But the difficulty is there, and a most grave and celebrated one: whence does this grace have that it be efficacious? I say not whence it have the force of effecting howsoever, which is to be efficacious in first act; for it is certain that it has this from God: but whence it have that it certainly and infallibly obtain our consent, which is to be efficacious in second act, and in that mode in which we understand efficacious grace here, as appears from what has been said.

> *Dari hoc sensu gratiam efficacem nullus negat. Sed difficultas est, eaque gravissima et celeberrima, unde haec gratia habeat quod sit efficax ? Non dico unde habeat vim qualitercumque efficiendi, quod est esse efficax in actu primo ; certum est enim quod habeat a Deo : sed unde habeat quod certo et infallibiliter obtineat consensum nostrum, quod est esse efficax in actu secundo, et eo modo quo intelligimus hic gratiam efficacem, ut patet ex dictis.*

4 Pure Molinists seek the efficacity of grace from the event, so that, according to them, only graces sufficient of themselves are given, which become efficacious from the consent of the human will, or because the human will consents to them.

> *Puri Molinistae efficaciam gratiae repetunt ab eventu, ita ut, juxta illos, non dentur nisi gratiae ex se sufficientes, quae fiunt efficaces ex consensu voluntatis humanae, seu quia voluntas humana illis consentit.*

5 Congruists seek the infallible efficacity of grace from the direction of middle knowledge, and because it is given in those circumstances in which it was foreseen to have its effect; but since neither circumstances nor foreknowledge confer anything of virtue upon grace, as the Congruists themselves confess even in this opinion, just as in the opinion of Molina, the efficacity of grace is sought from the very consent of the will, so that it be efficacious because the will consents, but not that the will therefore consent because it is efficacious. Whence, in both systems, sufficient and efficacious grace

are not distinguished entitatively and by their intrinsics, but, in the system of the Congruists, by extrinsic circumstances; for entitatively the same grace which is efficacious in one who consents is inefficacious in another who does not consent.

> *Congruistae efficaciam infallibilem gratiae repetunt ex directione scientiae mediae, et quia datur in eis circumstantiis in quibus praevisa est habere effectum; sed quia neque circumstantiae neque praescientia quidquam virtutis conferunt gratiae, ut fatentur ipsimet Congruistae, etiam in hac sententia, sicut in sententia Molinae, repetitur efficacia gratiae ex ipso consensu voluntatis, ita ut sit efficax, quia voluntas consentit, non autem voluntas ideo consentiat, quia est efficax. Unde, in utroque systemate, gratia sufficiens et efficax non distinguuntur entitative et per sua intrinseca, sed, in systemate Congruistarum, per circumstantias extrinsecas; eadem enim entitative gratia quae est efficax in uno qui consentit, est inefficax in altero qui non consentit.*

6 Thomists seek the efficacity of grace from intrinsics, whether from the most omnipotent will of God and his supreme dominion which he holds over the wills of men, as over other creatures: so that between grace and effect there be an infallible connection, not only with the infallibility of foreknowledge, as the Congruists wish, but of causality; nor is the infallibility of operation founded in the foreknowledge of our consent, but, on the contrary, the foreknowledge of our consent is founded in the infallibility of divine causality.

> *Thomistae repetunt efficaciam gratiae ex intrinsecis, sive ex omnipotentissima Dei voluntate et supremo dominio quod habet super voluntates hominum, sicut in caetera creata : ita quod inter gratiam et effectum sit connexio infallibilis, non solum infallibilitate praescientiae, ut volunt Congruistae, sed causalitatis; neque infallibilitas operationis fundetur in praeescientia nostri consensus, sed, e contra, praescientia nostri consensus fundetur in infallibilitate divina causalitatis.*

7 **I say**: The efficacity of grace must be sought not from the event, nor from the direction of middle knowledge, nor from the congruity of circumstances, but from the most omnipotent will of God and his supreme dominion over our wills; and thus it is per se infallibly efficacious, not with the infallibility of science only, but also of causality.

> ***Dico** : Efficacia gratiae repetenda est, non ex eventu, neque ex directione scientiae mediae, aut congruitate circumstantiarum, sed ex omnipotentissima Dei voluntate atque ejus supremo dominio in voluntates nostras, sicque est per se infallibiliter efficax, non infallibilitate scientiae tantum, sed et causalitatis.*

8 This conclusion directly prove whatsoever things I said in the treat. on God, dissert. VI, against middle knowledge and for per se efficacious decrees. Wherefore I shall not repeat all at full length, but compendiously only, indicating the places, yet with certain things added.

> *Hanc conclusionem directe probant quaecumque dixi in tract. de Deo, dissert. VI, contra scientiam mediam et pro decretis per se efficacibus. Quapropter non omnia ex integro repetam, sed compendio tantum, et indicando loca, quibusdam tamen additis.*

9 *1° It is proved from Scripture.*

> 1° Probatur ex Scriptura.

10 *1° The Apostle, I Cor.*, IV, 7, says: Who distinguisheth thee? And what hast thou that thou hast not received? And if thou hast received, why dost thou glory as if thou hadst not received? But if grace be not efficacious of itself of our consent, but expect it from us and become efficacious through it, man has something which he has not received and wherein he can glory and distinguish himself from another who, prevented by equal grace, does not consent, namely the very consent to grace, which he

has not from grace, but from himself. Therefore. Seek this argument more fully drawn out, with the various replies of adversaries, in the treatise on Middle Knowledge, § 2.

1° Apost., I Cor., *IV, 7, dicit : Quis te discernit ? Quid autem habes, quod non accepisti ? Si autem accepisti, quid gloriaris, quasi non acceperis ? Atqui, si gratia non sit efficax ex se consensus nostri, sed ipsum expectet a nobis et per eum fiat efficax, homo habet aliquid quod non accepit et in quo possit gloriari et se discernere ab altero qui aequali gratia praeventus non consentit, nempe ipsum consensum gratiae, quem non habet a gratia, sed a se. Ergo. Hoc argumentum fusius deductum et varias adversariorum responsiones require de Scientia media, § 2.*

11 2° According to Scripture, God makes that we do, *Ezech.*, XXXVI, 27: I will cause you to walk in my commandments. He makes that we will, *Philipp.*, II, 13: He worketh in you both to will and to accomplish, according to his good will. He makes of the unwilling willing, taking away the hardness and resistance of the will and giving obedience or consent, *Ezech.*, XI, 19 et XXXVI, 26: I will take away the stony heart out of your flesh and give you a heart of flesh. Whence Augustine, de Praedest. sanct., c. 8, n. 13: « By this grace, which is bestowed upon human hearts secretly by divine largess, no one repels with hard heart; for it is bestowed precisely that the hardness of heart be first taken away. » But God gives us not that we will and do, takes not away the stony heart, that is, the resisting heart, gives not a heart of flesh, that is, a docile and consenting heart, takes not away the hardness and resistance of the heart through a pendulous grace abandoned to the free arbitrament of the will, expecting its obedience or resistance, its consent or repulse, as appears from the terms; but through a grace of proper force productive of good volition and of a docile, obedient and consenting heart, and victorious over the hardness and resistance of the will. Therefore.

2° *Juxta Scripturam, Deus facit ut faciamus,* Ezech., *XXXVI, 27 : Faciam ut in praeceptis meis ambuletis. Facit ut velimus,* Philipp., *II, 13 : Operatur in vobis et velle et perficere, pro bona voluntate. Facit de nolentibus volentes, auferendo duritiam et resistentiam voluntatis et dando obedientiam seu consensum,* Ezech., *XI, 19 et XXXVI, 26 : Auferam cor lapideum de carne vestra et dabo vobis cor carneum. Unde Augustinus, de Praedest. sanct., c. 8, n. 13 : « Hac gratia qua occulte humanis cordibus divina largitate tribuitur, a nullo duro corde respuitur ; ideo quippe tribuitur, ut cordis duritia primitus auferatur. » Atqui Deus non dat nobis ut velimus et faciamus, non aufert cor lapideum, id est, cor resistens, non dat cor carneum, id est, cor docile et consentiens, non aufert duritiam et resistentiam cordis per gratiam pendulam et permissam libero voluntatis arbitrio, expectantem ejus obedientiam vel resistentiam, ejus consensum vel repulsum, ut patet ex terminis ; sed per gratiam vi propria effectricem bonae volitionis et cordis docilis, obedientis et consentientis, atque victricem duritiae et resistentiae voluntatis. Ergo.*

12 3° According to Scripture, grace is infallibly efficacious of our consent from the most omnipotent will of God and the supreme dominion he holds over our wills. Therefore not from the consent of the human will. — Proof of the antecedent. In *Esther*, XIII, 9 et 11, Mardochaeus praying God to convert the heart of king Assuerus hostile to the Jews, says: Lord almighty King, for all things are in thy power, and there is none that can resist thy will, if thou decree to save Israel... Thou art Lord of all, and there is none that resisteth thy Majesty. And cap. XIV, 12 et 13, queen Esther thus prays: Lord King of gods and of all power,... turn his heart into hatred of our enemy. And cap. XV, 11, it is subjoined: And God turned the spirit of the king into mildness. By which words the infallibility and efficacity of the divine motion and grace is referred evidently to the omnipotence of God, and not to a foreseen consent of Assuerus. Whence Augustine, lib. I contra duas epist. Pelagian., ad Bonif., c. XX, n. 38, weighing these words, says: « The heart of the king... he converts and transfers by a most hidden and most efficacious power from indignation to lenity. » Likewise *Prov.*, XXI, 1, the heart of

the king in the hand of God is compared to the divisions of waters in the hand of the gardener: As the divisions of waters, so the heart of the king is in the hand of the Lord: whithersoever he will he shall turn it. *Eccli.*, XXXIII, 13, man in the hand of God is compared to clay in the hand of the potter. *Isa.*, X, 15, the axe is compared [to him], the staff, the rod in the hand of the man using them as he wills. By which comparisons it becomes manifest that God by the force of his power and dominion disposes wills at his nod, and does not wait upon them to see who may will.

> 3° *Juxta Scripturam, gratia est infallibiliter efficax consensus nostri ex omnipotentissima Dei voluntate et supremo dominio quod habet super voluntates nostras. Ergo non ex consensu voluntatis humanae. — Prob. ant.* Esther*, XIII, 9 et 11, Mardochaeus, orans Deum ut convertat cor regis Assueri Judaeis infensi, dicit : Domine Rex omnipotens, in ditione enim tua cuncta sunt posita, et non est qui possit tuae resistere voluntati, si decreveris salvare Israel... Dominus omnium es, nec est qui resistit Majestati tuae. Et cap. XIV, 12 et 13, regina Esther sic orat : Domine Rex deorum et universae potestatis,... transfer cor illius in odium hostis nostri. Et cap. XV, 11, subjungitur : Convertitque Deus spiritum regis in mansuetudinem. Quibus verbis infallibilitas et efficacia motionis et gratiae divinae refertur evidenter ad Dei omnipotentiam, et non ad consensum Assueri praevisum. Unde Augustinus, lib. I contra duas epist. Pelagian., ad Bonif., c. XX, n. 38, expendens haec verba, dicit : « Cor regis... occultissima et efficacissima potestate convertit et transtulit ab indignatione ad lenitatem. » Item* Prov.*, XXI, 1, cor regis in manu Dei comparatur divisionibus aquarum in manu hortulani : Sicut divisiones aquarum, ita cor regis in manu Domini : quocumque voluerit inclinabit illud.* Eccli.*, XXXIII, 13, homo in manu Dei comparatur luto in manu figuli.* Isa.*, X, 15, comparatur securi, virgae, baculo, in manu hominis iis utentis prout vult. Quibus comparationibus manifestum fit, Deum vi suae potestatis et dominii de voluntatibus ad nutum disponere, non vero ab eis expectare qui voluerint.*

13 Honoratus Tournely replies that these things are objected in vain, since no one denies that the force and efficacity of grace derive from the most omnipotent virtue of God. Here Tournely plays with words and mocks. So indeed. No one denies that the force and efficacity which grace has derive from the most omnipotent virtue of God; but the Molinists and Congruists deny that grace has the force and efficacity, from the most omnipotent virtue of God, of determining the will infallibly to consent, as the cited texts bear, seeing they wish it to be efficacious through the very consent. And so they denied in the Congregation held before Paul V, September 20, 1605.

> *Reponit Honoratus Tournely, haec frustra objici, quia nemo negat gratiae vim et efficaciam derivari ex omnipotentissima Dei virtute. Hic verbis ludit et illudit Tournely. Ita quidem. Nemo negat gratiae vim et efficaciam quam habet, derivari ex omnipotentissima Dei virtute ; sed Molinistae et Congruistae negant gratiam habere vim et efficaciam ex omnipotentissima Dei virtute determinandi infallibiliter voluntatem ad consensum, ut ferunt textus laudati, quippe qui volunt eam esse efficacem per consensum ipsum. Et ita negarunt in Congregatione habita coram Paulo V, 20 septembris 1605.*

14 *2° It is proved from Augustine.*

> 2° Probatur ex Augustino.

15 And first from the terms whereby the holy Doctor expresses the efficacity of grace. Lib. I de Peccat. meritis et remiss., cap. 9, n. 20, calls efficacious grace « the most hidden grace of the Holy Spirit. » Lib. de Gratia Christi, cap. 24, n. 25: « That internal and hidden, admirable and ineffable power whereby God operates in the hearts of men, not only true revelations, but also good wills. » Lib. IV contra Julian., cap. 8, n. 42: « Most omnipotent will. » Lib. I contra duas epist. Pelag., c. 20, n. 38: « Most hidden and most efficacious will and power, which converts and transfers the hearts of men from indignation to lenity. » Lib. de Corrept. et Gratia, c. 14, n. 45: « Most omnipotent power of

hearts to be inclined. » De Praedest. sanct., c. 8, n. 13: « Grace which no one repels with hard heart, because it is given first to remove the hardness of heart. » But these things befit grace efficacious per se and from intrinsic, nowise grace abandoned to free arbitrament, and rendered efficacious by its consent or by the circumstances of place or time. For 1° this grace does not operate in hidden, admirable and ineffable modes; for the cause why it operates is, in this system, obvious and open, namely the consent of the human will. 2° It is not most powerful and most efficacious, since it can effect nothing if the human will resist. 3° It effects not that man be willing and consenting, since, on the contrary, it is efficacious because man wills and consents. 4° Finally, it inclines not hearts whither and when God pleases, but rather man bends the divine power whither and when it pleases himself. Therefore.

Et primo ex terminis quibus S. Doctor exprimit gratiae efficaciam. Lib. I de Peccat. meritis et remiss., cap. 9, n. 20, vocat gratiam efficacem, « Spiritus sancti occultissimam gratiam. » Lib. de Gratia Christi, cap. 24, n. 25 : « Internam et occultam, mirabilem ac ineffabilem potestatem qua Deus operatur in cordibus hominum, non solum veras revelationes, sed etiam bonas voluntates. » Lib. IV contra Julian., cap. 8, n. 42 : « Omnipotentissimam voluntatem. » Lib. I contra duas epist. Pelag., c. 20, n. 38 : « Occultissimam et efficacissimam voluntatem ac potestatem, quae convertit et transfert corda hominum ab indignatione ad lenitatem. » Lib. de Corrept. et Gratia, c. 14, n. 45 : « Inclinandorum cordium omnipotentissimam potestatem. » De Praedest. sanct., c. 8, n. 13 : « Gratiam quae a nullo duro corde respuitur, quia ad tollendam cordis duritiam primitus datur. » Atqui haec competunt gratiae per se et ex intrinseco efficaci, nullatenus gratiae permissae libero arbitrio, et quae ab ejus consensu aut circumstantiis loci vel temporis redditur efficax. Nam 1° haec gratia non operatur occultis, miris et ineffabilibus modis ; causa enim cur operetur, est in hoc systemate obvia et aperta, scilicet consensus humanae voluntatis. 2° Non est potentissima et efficacissima, siquidem nihil possit operari, si voluntas humana resistat. 3° Non efficit ut homo sit volens et consentiens, cum, e contra, sit efficax quia homo vult et consentit. 4° Denique, non inclinat corda quo et quando Deo placet, sed potius homo flectit divinam potentiam quo et quando sibi placet. Ergo.

16 2° Augustine, de Praedest. sanct., cap. 10, n. 19, says: « When God promised Abraham the faith of the Gentiles in his seed,... he promised not of the power of our will, but of his own predestination. For he promised what he himself was about to do, not what men. Because, although men do the goods which pertain to worshipping God, he himself makes that they do the things he commands, not they make that he do what he promised: otherwise, that the promises of God be fulfilled would be in the power not of God, but of men, and what was promised by the Lord would be rendered to him by themselves. But Abraham believed not thus, but believed giving glory to God, because that which he had promised he is able also to perform, Rom., IV, 20 et 21. He says not « to preach, » he says not « to foreknow »... but, he is able to perform, and hence deeds done not alien, but his own. » But if grace be not per se efficacious of our consent unto faith or of the work of piety, but expect it and depend upon it that it be efficacious, it follows: 1° that, when God promised faith to Abraham, he promised not of his predestination, but of the power of our will. 2° That he promised, not what he himself was about to do, but what men. 3° That he makes not that men do the things he commands, but that they make that he do what he promised. 4° That the promises of God be fulfilled would be in the power not of God, but of men. 5° That he be able to preach and to foreknow the things he promised, but not able to perform, since these depend upon the human will, and thus that he promised deeds done alien, not his own: all which things are directly against Augustine. Therefore.

2° Augustinus, de Praedest. sanct., cap. 10, n. 19, dicit : « Quando promisit Deus Abrahae in semine ejus fidem gentium,... non de nostrae voluntatis potestate, sed de sua praedestinatione promisit. Promisit enim quod ipse facturus

fuerat, non quod homines. Quia, etsi faciant homines bona quae pertinent ad colendum Deum, ipse facit ut illi faciant quae praecipit, non illi faciunt ut ipse faciat quod promisit : alioquin, ut Dei promissa compleantur, non in Dei, sed in hominum est potestate, et quod a Domino promissum est, ab ipsis redditur Abrahae. Non autem sic credidit Abraham, sed credidit dans gloriam Deo, quoniam quae promisit, potens est et facere, Rom., IV, 20 et 21. Non ait « praedicare, » non ait « praescire, »... sed, potens est facere, ac per hoc facta, non aliena, sed sua. » Atqui, si gratia non sit per se efficax consensus nostri ad fidem aut pietatis opus, sed ipsum expectet et ab ipso pendeat ut sit efficax, sequitur : 1° quod, quando Deus promisit fidem Abrahae, non de sua praedestinatione, sed de nostrae voluntatis potestate promisit. 2° Quod promisit, non quod ipse facturus erat, sed quod homines. 3° Quod ipse non faciat ut faciant homines quae praecipit, sed illi faciant ut ipse faciat quod promisit. 4° Quod, ut Dei promissa impleantur, non in Dei, sed in hominum sit potestate. 5° Quod potens sit praedicare et praescire quae promisit, sed non potens facere, cum haec pendeant a voluntate humana, sicque quod facta aliena, non sua, promiserit : quae omnia sunt directe contra Augustinum. Ergo.

17 It is confirmed. Augustine, de Corrept. et Gratia, c. 14, n. 45, proves « that God makes of the wills of men what he wills, when he wills; » because « he holds more in his power the wills of men than they their own. » But man, from the power which he has over his own will, determines himself efficaciously, and what is capital, his liberty remaining safe. Therefore, a fortiori, God from the greater power which he has over the wills of men determines them efficaciously, their liberty remaining safe: otherwise how should he hold more in his power the wills of men than they their own?

Confirmatur. Augustinus, de Corrept. et Gratia, c. 14, n. 45, probat « Deum facere de hominum voluntatibus quod vult, cum vult ; » quia « magis habet in potestate sua voluntates hominum, quam ipsi suas. » Atqui homo, ex potestate quam habet in voluntatem suam, se determinat efficaciter, et quod capitale est, salva sua libertate. Ergo, a fortiori, Deus ex majori potestate quam habet in voluntates hominum, determinat eas efficaciter, salva eorum libertate : alioquin quomodo haberet magis in potestate voluntates hominum, quam ipsi suas ?

18 4° According to Augustine, it is difficult to reconcile liberty with grace. Thus lib. de Gratia Christi, c. 47, n. 52: « This question, where the arbitrament of the will and the grace of God are disputed of, is this, difficult for discerning, so that when free will is defended, the grace of God seems denied; when however the grace of God is asserted, free will is thought taken away. » And lib. II contra litt. Petiliani, cap. 84, n. 185: « If I propose to you the question, how God the Father draws unto the Son those men whom he left in free arbitrament, perhaps you will find it difficult to solve. For how does he draw, if he leaves it that each choose what he will? And yet both are true; but few can penetrate this by understanding. » But, in either system of the Molinists and Congruists, all can easily penetrate the accord of liberty with grace. For who, though most stupid, understands not that liberty remains with a grace which hangs upon his nod? Nay, those systems were fabricated precisely that this accord might easily be perceived. By this alone it is patent how far those systems differ from the system of Augustine.

4° Juxta Augustinum, difficile est conciliare libertatem cum gratia. Sic lib. de Gratia Christi, c. 47, n. 52 : « Ista quaestio, ubi de arbitrio voluntatis et Dei gratia disputatur, ista est ad discernendum difficilis, ut quando defenditur liberum arbitrium, negari Dei gratia videatur ; quando autem asseritur Dei gratia, liberum arbitrium putetur auferri. » Et lib. II contra litt. Petiliani, cap. 84, n. 185 : « Si tibi proponam quaestionem, quomodo Deus Pater attrahat ad Filium homines quos in libero dimisit arbitrio, fortassis eam difficile soluturus es. Quomodo enim attrahit, si dimittit ut quis quod voluerit eligat ? Et tamen utrumque verum est ; sed intellectu hoc penetrare pauci valent. » Atqui, in utroque systemate Molinistarum et Congruistarum, omnes facile penetrare possunt concordiam libertatis cum gratia. Quis enim, etiamsi stupidissimus, non intelligat manere libertatem cum gratia quae ab ejus nutu pendet ? Imo, ideo conficta sunt

ista systemata, ut haec concordia facile perciperetur. Quo uno palam est quantum distant ista systemata ab Augustini systemate.

19 3° It is proved from St. Thomas.

3º Probatur ex S. Thoma.

20 From innumerable [texts] I select a few. 1° The holy Doctor says, Iª IIª, q. 10, a. 4, ad 3: « If God moves the will to anything, it is incompossible with this position that the will not be moved to it; not however is it simply impossible. » Q. 6 de Malo, a. unico, ad 3: « God indeed moves the will immutably, on account of the efficacity of the moving virtue, which cannot fail; but, on account of the nature of the will moved, which holds itself indifferently toward divers things, necessity is not induced, but liberty remains: as also in all things divine providence operates infallibly, and nevertheless contingent effects proceed from contingent causes, inasmuch as God moves all things proportionably, each one according to its mode. » I p., q. 19, a. 8, c: « Since the divine will is most efficacious, it follows not only that those things come to pass which God wills to come to pass, but that they come to pass in that mode wherein God wills them to come to pass. But God wills some things to come to pass necessarily, some contingently, that there may be order in things, unto the complement of the universe. » And ad 2: « From this very thing that nothing resists the divine will, it follows not only that those things come to pass which God wills to come to pass, but that they come to pass contingently or necessarily which he thus wills to come to pass. » These things are plain and open, and expressly in terms declare that the infallible efficacity of grace must be sought from the efficacity of the divine will, and, what is of chief moment, that liberty remains safe under it.

Ex innumeris pauca seligo. 1° S. Doctor Iª IIª, q. 10, a. 4, ad 3, dicit : « Si Deus movet voluntatem ad aliquid, incompossibile est huic positioni, quod voluntas ad illud non moveatur ; non tamen est impossibile simpliciter. » Q. 6 de Malo, a. unico, ad 3 : « Deus movet quidem voluntatem immutabiliter, propter efficaciam virtutis moventis, quae deficere non potest ; sed, propter naturam voluntatis motae, quae indifferenter se habet ad diversa, non inducitur necessitas, sed manet libertas : sicut etiam in omnibus providentia divina infallibiliter operatur, et tamen a causis contingentibus proveniunt effectus contingenter, in quantum Deus omnia movet proportionabiliter, unumquodque secundum suum modum. » I p., q. 19, a. 8, c : « Cum voluntas divina sit efficacissima, non solum sequitur quod fiant ea quae Deus vult fieri, sed quod eo modo fiant quo Deus ea fieri vult. Vult autem quaedam Deus fieri necessario, quaedam contingenter, ut sit ordo in rebus, ad complementum universi. » Et ad 2 : « Ex hoc ipso quod nihil voluntati divinae resistit, sequitur quod non solum fiant ea quae Deus vult fieri, sed quod fiant contingenter vel necessario quae sic fieri vult. » Haec sunt plana et aperta, atque diserte in terminis exprimunt efficaciam infallibilem gratiae repetendam esse ex efficacia voluntatis divinae, et, quod potissimum est, salvam manere libertatem sub illa.

21 Both again are drawn out from q. 22 de Verit., a. 8, c, where he says: « Every action of the will, inasmuch as it is an action, is not only from the will as immediate agent, but also from God as first agent, who impinges more strongly. Whence, as the will can change its act into another, so and much more can God. » Nothing more urgent. For thence I thus form the argument: God, as first agent, impinges more strongly upon the will than it itself, as second agent, upon itself. But the will, as second agent, moves itself in the genus of efficient cause and determines itself to act with its liberty safe. Therefore much more God, as first agent in the genus of efficient cause, moves and determines it with its liberty safe.

Utrumque iterum eruitur ex q. 22 de Verit., a. 8, c, ubi dicit : « Omnis actio voluntatis, in quantum est actio, non solum est a voluntate ut immediate agente, sed etiam a Deo ut primo agente, qui vehementius imprimit. Unde, sicut voluntas

potest immutare suum actum in aliud, ita et multo amplius Deus. » Nihil urgentius. Inde enim sic formo argumentum : Deus, ut primum agens, vehementius imprimit voluntati, quam ipsa, ut secundum agens, sibi. Atqui voluntas, ut secundum agens, seipsam in genere causae efficientis movet et se determinat ad agendum salva libertate. Ergo multo amplius Deus, ut primum agens in genere causae efficientis, ipsam movet et determinat salva libertate.

22 2° According to St. Thomas, the use of grace is from grace. Therefore by its own force it is efficacious. — The holy Doctor teaches this I p., q. 23, a. 5, c; q. 6 de Verit., a. 2, ad 11; lect. 1 in cap. 15 I ad Cor.; lect. 3 in cap. 9 ad Rom., where he says in terms: « The use itself of grace is from God. »

2° Juxta S. Thomam, usus gratiae est a gratia. Ergo vi sua est efficax. — Id docet S. Doctor I p., q. 23, a. 5, c ; q. 6 de Verit., a. 2, ad 11 ; lect. 1 in cap. 15 I ad Cor. ; lect. 3 in cap. 9 ad Rom., ubi in terminis dicit : « Ipse usus gratiae est a Deo. »

23 4° It is proved by reasons.

4° Probatur rationibus.

24 The reasons are the inconveniences which I deduced against middle knowledge and which now I summarize compendiously thus.

Rationes sunt inconvenientia quae deduxi contra scientiam mediam et quae nunc compendio sic resumo.

25 1° Efficacious grace per se being taken away, and efficacious grace from the event or from foreknowledge and circumstances being posited, that is, a pendulous grace abandoned to the determination of free arbitrament and expecting its consent and determination, it follows 1° that there is taken away from God the reason of first cause and first mover, because the will determines itself, not determined by God. 2° That there is taken away from him the reason of universal cause; because there is something, namely the consent and free determination of the will, which escapes his causality. 3° That the omnipotence of God be curtailed, and the supreme dominion he holds over our wills; because he cannot incline our wills into good in whatever circumstances. 4° That there be taken away, chiefly on this side, the necessity of prayer; for, in that opinion, it is not necessary to ask of God that we consent to grace, since that is from us, and not from God. 5° That we ought not give thanks to God for what is the head of the business of salvation, namely for the determination unto good, which is from us, and not from God. 6° That we ought to rest not upon the hope of grace alone, but principally upon our liberty, since it is always in our power to render it efficacious; and thence that we ought not fear so anxiously for our salvation, nor keep watch over it with such solicitude. 7° That this opinion seems akin to Semi-Pelagianism, inasmuch as it makes a composition with God, vindicates a part to man and a part to God, and — what is worse — man takes the first place, drawing forth from himself his own consent, gives to God the later: in which, according to Augustine, lay the error of the Semi-Pelagians. 8° Specially against the system of congruous grace, that in it God should be no more author of good than of evil works; because, in that system, God is said to be author of good works inasmuch as he places man in those circumstances in which he foresees he will use grace well, and concurs simultaneously with him unto the work. But he likewise places him who acts ill in those circumstances in which he foresees him about to use badly the grace offered, and concurs simultaneously with him unto the evil work. Therefore. All these things more fully expounded, with the replies of adversaries, especially Honoratus Tournely, seek in the treat. on God, dissert. VI, on Middle Knowledge, a. 6, § 1.

1° Sublata gratia per se efficaci, et posita gratia efficaci ab eventu seu ex praescientia et circumstantiis, hoc est, gratia pendula permissa determinationi liberi arbitrii et ejus consensum ac determinationem expectante, sequitur 1° quod tollatur a Deo ratio primae causae et primi motoris, quia voluntas se determinat, non determinata a Deo. 2° Quod tollatur ab eo ratio causae universalis ; quia est aliquid, scilicet consensus et libera determinatio voluntatis, quod ejus causalitatem subterfugit. 3° Quod decurtetur omnipotentia Dei et supremum dominium quod habet supra nostras voluntates ; quia non potest in quibusvis circumstantiis voluntates nostras inclinare in bonum. 4° Quod tollatur, praecipua ex parte, necessitas orationis ; nam, in illa sententia, non est necesse a Deo petere quod consentiamus gratiae, cum id sit a nobis, et non a Deo. 5° Quod non debeamus Deo gratias agere pro eo quod est caput in negotio salutis, scilicet pro determinatione ad bonum, quae est a nobis, et non a Deo. 6° Quod non in sola spe gratiae inniti debeamus, sed praecipue in nostra libertate, cum sit semper nobis liberum eam reddere efficacem, et inde quod non tam anxie timere debeamus pro salute nostra, nec tanta sollicitudine illi invigilare. 7° Quod haec sententia videatur affinis Semi-Pelagianismo, quatenus componit cum Deo, partem homini vindicet et partem Deo, et quod pejus est, homo primum tollat, promendo ex se suum consensum, Deo posterius det : in quo, juxta Augustinum, situs erat error Semi-Pelagianorum. 8° Specialiter contra systema gratiae congruae, quod Deus in illo non sit magis author bonorum quam malorum operum ; quia, in tantum, in eo systemate, Deus dicitur author bonorum operum, in quantum ponit hominem in iis circumstantiis in quibus praevidet eum bene usurum gratia, et cum eo simultanee concurrit ad opus. Atqui pariter illum qui male agit ponit in iis circumstantiis in quibus praevidet illum gratia oblata male usurum, et concurrit simultanee cum illo ad malum opus. Ergo. Haec omnia fusius exposita cum responsionibus adversariorum, praesertim Honorati Tournely, require in tract. de Deo, dissert. VI, de Scientia media, a. 6, § 1.

26 Add again, specially against the same system of congruous grace, that it lies subject to nearly all those difficulties which are proposed against per se efficacious grace. For he to whom congruous grace is denied and only incongruous given does no more, nor will do more, than he to whom per se efficacious grace is denied and only thomistic sufficient given, as we have observed not once in the treat. on God and in this present [work]. Whence Martinonus, a writer of the Society of Jesus, in his Anti-Jansenio, disp. 26, sect. 3, n. 25, concludes that that sentiment was uselessly devised for explaining the difficulties concerning the auxiliaries of grace. And Honoratus Tournely, q. 7 de Grat., a. 4, concl. 4, rejects it, because either it slides back into the sentiment of Molina, or is pressed by the same difficulties as the thomistic system.

Adde iterum specialiter contra idem systema gratiae congruae, quod subjaceat omnibus fere difficultatibus quae contra gratiam per se efficacem proponuntur. Nam is cui denegatur gratia congrua et datur tantum incongrua, non plus facit aut faciet quam is cui denegatur gratia per se efficax et datur tantum sufficiens thomistica, ut non semel in tract. de Deo et in hoc praesenti observavimus. Unde Martinonus, Societatis Jesu scriptor, in suo Anti-Jansenio, disp. 26, sect. 3, n. 25, concludit eam sententiam fuisse inutiliter excogitatam ad explicandas difficultates circa auxilia gratiae. Et Honoratus Tournely, q. 7 de Grat., a. 4, concl. 4, eam rejicit, quia vel relabitur in sententiam Molinae, vel premitur iisdem difficultatibus ac systema thomisticum.

27 2° Consult diligently the treat. on God, dissert. VIII, on Decrees, a. 2, where the first reason embraces summarily nearly everything hitherto said, with all the refuges of adversaries shut off. Thereunto we added, for coronis, that the adversaries elsewhere acknowledge our determination unto good not to be from God; which here they deny, that they may decline the odium of so many absurdities. Hold all these things here for said, lest we be compelled to repeat the same.

2° Confer diligenter in tract. de Deo, dissert. VIII, de Decretis, a. 2, ubi prima ratio omnia ferme hucusque dicta summatim complectitur cum omnibus adversariorum effugiis praeclusis. Ibidem pro coronide adjecimus, adversarios alibi

agnoscere, nostram determinationem in bonum non esse a Deo ; quod hic negant, ut tot absurditatum declinent invidiam. Haec, inquam, omnia hic habeto pro dictis, ne eadem repetere cogamur.

28 But one thing only must be observed, which I already observed in part § 2 on middle knowledge, namely that to the arguments whereby it is proved, in the opinion of Molinists and Congruists, that grace is subjected to the will, determined by it and its handmaid, two replies are everywhere employed by Tournely. 1° He says it is absurd that a superior be said to be subjected to an inferior, when the inferior executes the mandates of the superior. 2° He likewise pronounces it absurd that what is of itself a certain determination, inclination, impulse toward something, be said to be determined, when the will follows the determination thereof or its motion and impulse. Grace however, he says, is of itself a certain determination, inclination, propension toward good, which when the will follows, it determines not grace unto good, but rather follows its determination, and executes the mandates of God the superior. So the Sorbonic doctor.

Sed unum tantum observandum est, quod jam ex parte observavi § 2 de scientia media, scilicet argumentis quibus probatur, in sententia Molinistarum et Congruistarum, gratiam subjici voluntati, ab ea determinari et esse ejus pedissequam, duas passim a Tournelio adhiberi responsiones. 1° Dicit absurdum esse ut superior dicatur inferiori subjici, quando inferior superioris mandata exsequitur. 2º Pariter absurdum esse pronuntiat, ut quod ex se determinatio quaedam est, inclinatio, impulsus ad aliquid, dicatur determinari, quando voluntas determinationem illius seu motionem et impulsum sequitur. Gratia autem, inquit, est ex se determinatio quaedam, inclinatio, propensio ad bonum, quam cum voluntas sequitur, non determinat gratiam ad bonum, sed potius ejus determinationem sequitur, et mandata Dei superioris exsequitur. Ita doctor Sorbonicus.

29 *I answer* to the first. Indeed it is true that it is absurd for a superior to be said subjected to an inferior, when the inferior executes the mandates of the superior, standing there and in the moral order. But if, that the inferior execute the mandates of the superior, he stood in need in the physical order of the concourse of the superior, and the superior offered him that indifferent and determinable by himself unto whatsoever he willed, it would not be absurd, but plainly true, to say that, in this case, the superior, as to the use of his offered concourse, is subjected to the inferior. But this is our case.

Resp. ad primum. Equidem verum est, absurdum esse ut superior dicatur subjici inferiori, quando inferior mandata superioris exsequitur, ibi sistendo et in ordine morali. At, si, ut inferior exsequatur mandata superioris, indigeat in ordine physico concursu superioris et superior illum ei offerat indifferentem et ab ipso determinabilem ad quodcumque voluerit, non erit absurdum, sed plane verum, dicere, in hoc casu superiorem, quantum ad usum sui concursus oblati, subjici inferiori. Est autem hic noster casus.

30 To the second there must be uncovered the equivocation latent in the word grace. There is a certain grace physically premoving and determining the will to undeliberated acts. Adversaries, at least some, admit such grace not unwillingly, but of it there is no question here; for the question is concerning grace moving us to the deliberated consent of the will. Respectively therefore toward that deliberated consent it is, according to all, a moral preventing grace, alluring and moving objectively the will as to specification, in the genus of final cause, not of efficient: Tournely acknowledges no other preventing grace with the Molinists. And indeed even in their opinion this needs not to be determined as to species, but as to this it can be called a determination and impulse; it needs however to be determined as to exercise, because it posited, the will is still indifferent and undetermined whether it follow it or not: whence on this side we already have in this system grace

determinable by the will. But, what is of chief moment, besides this moral grace the Molinists acknowledge another to be necessary whereby God concur physically to my deliberated consent. This concourse or grace they say is offered by God, not determined to one — otherwise, say they, liberty would be injured — but indifferent and abandoned to the determination of the will. Therefore of this concourse or grace it cannot be said that it is determination and impulse, but truly is said that it is versatile, pendulous, indifferent, determinable by the will and its handmaid; and thus, the equivocation removed, the replies of Tournely remain shut off.

> *Ad secundum, detegenda est aequivocatio latens in hac voce gratia. Est quaedam gratia physice praemovens et determinans voluntatem ad actus indeliberatos. Hujusmodi gratiam non aegre admittunt adversarii, saltem aliqui, sed de ea hic non agitur ; quaestio est enim de gratia nos movente ad consensum deliberatum voluntatis. Respective igitur ad illum consensum deliberatum, est, secundum omnes, gratia praeveniens moralis, alliciens et movens objective voluntatem quoad specificationem in genere causae finalis, non efficientis : non aliam praevenientem agnoscit Tournely cum Molinistis. Et haec quidem, etiam in eorum sententia, non indiget determinari quoad speciem, sed quantum ad hoc potest dici determinatio et impulsus ; indiget tamen determinari quoad exercitium, quia ea posita, voluntas est adhuc indifferens et indeterminata ut eam sequatur vel non : unde ex hac parte jam habemus in hoc systemate gratiam determinabilem a voluntate. Sed, quod potissimum est, praeter hanc gratiam moralem agnoscunt Molinistae necessariam esse aliam qua Deus concurrat physice ad consensum meum deliberatum. Hunc autem concursum seu gratiam dicunt a Deo offerri, non determinatum ad unum, alias, inquiunt, laederetur libertas, sed indifferentem et voluntatis determinationi permissum. Ergo de isto concursu seu gratia non potest dici quod sit determinatio et impulsus, sed vere dicitur quod sit versatilis, pendulus, indifferens, determinabilis a voluntate et ejus pedissequus ; et sic, sublata aequivocatione, manent praeclusae Tournelii responsiones.*

31 3° Man, in the state of fallen nature, is exceedingly weak toward good and wholly prone to evil, seduced without by objects and examples, carried away within by passions. « When covetousness, says Cyprianus in Augustine, lib. II cont. Julian., c. 8, n. 25, together with wantonness, together with anger, together with ambition, has an encounter with us; when with carnal vices, with secular enticements there is a continual and troublesome struggle, the mind besieged, girt round on every side with the devil's inroads of man, scarcely meets them one by one, scarcely resists. » We are therefore incited unto evil from every side in such sort that, if grace fortified not the will against evil by its most potent force and converted it not unto good, but left it to itself, scarce or hardly one of a thousand would not succumb. Whence Augustine, de Corrept. et Grat., c. 12, n. 38, says: « If in so great infirmity the will of its own... were left to men themselves,... amid so many and so great temptations the will itself would succumb through its infirmity, nor would they will, or not so will through the infirmity of the will, that they could. Succor therefore was brought to the infirmity of human will, that by divine grace it be borne along indefectibly and insuperably, and hence, although weak, yet would it not fail, nor be overcome by any adversity. »

> *3° Homo, in statu naturae lapsae, est admodum infirmus circa bonum et totus pronus in malum, extus objectis et exemplis seductus, intus passionibus abreptus. « Cum avaritia nobis, inquit Cyprianus, apud Augustinum, lib. II cont. Julian., c. 8, n. 25, cum impudicitia, cum ira, cum ambitione congressio est ; cum carnalibus vitiis, cum illecebris saecularibus assidua et molesta luctatio est, obsessa mens, hominis et undique diaboli infestationibus vallata, vix occurrit singulis, vix resistit. » Igitur sic ex omni parte incitamur ad malum, ut, si gratia vi sua potentissima voluntatem non firmaret contra malum et non converteret ad bonum, sed ipsam sibi relinqueret, vix aut ne vix unus e mille non succumberet. Unde Augustinus, de Corrept. et Grat., c. 12, n. 38, dicit : « Si in tanta infirmitate vita hujus... ipsis relinqueretur voluntas sua,... inter tot et tantas tentationes infirmitate sua voluntas ipsa succumberet, nec vellent, aut*

non ita vellent, infirmitate voluntatis, ut possent. Subventum est igitur infirmitati voluntatis humanae, ut divina gratia indeclinabiliter et insuperabiliter ageretur, et ideo, quamvis infirma, non tamen deficeret, neque adversitate aliqua vinceretur. »

32 Objections.

Objectiones.

33 As to the objections which are wont to be raised from a fourfold head: 1° from authority, 2° from injury to liberty, 3° from the insufficiency of the help which is called sufficient, 4° from affinity with Calvinism; you have these solved abundantly in as many §§ of the often cited dissert. VIII on Decrees, a. 2. Wherefore I judge it superfluous to renew them here afresh. See the place cited.

Quantum ad objectiones quae solent peti ex quadruplici capite : 1° ab authoritate, 2º ex laesione libertatis, 3° ex insufficientia auxilii quod dicitur sufficiens, 4° ex affinitate cum Calvinismo ; eas totidem §§ abunde solutas habes saepe dicta dissert. VIII de Decretis, a. 2. Quapropter supervacaneum existimo illas hic denuo instaurare. Vide loco cit.

34 Only this must be observed in addition, that it is often objected by Honoratus Tournely that per se efficacious grace holds an essential connection with the act, and thence he infers that liberty is injured. But again there is an equivocation in rò essentialem. For per se efficacious grace holds not an essential connection with the act as though it necessarily bring it forth, as e.g. essence brings forth properties; but so as to have from itself the virtue of infallibly obtaining consent. Whence it can thus be distinguished: It holds connection essential, that is infallible, with the act; I concede; that is, necessary, I deny; because it moves the will not howsoever, but that it freely consent, and with the power of dissenting.

Illud tantum ad cumulum observandum est, saepe objici ab Honorato Tournely, gratiam per se efficacem habere essentialem connexionem cum actu, et eum inde inferre, laedi libertatem. Sed est iterum aequivocatio in rò essentialem. Non enim gratia per se efficax habet essentialem connexionem cum actu, quasi illum necessario pariat, sicut, v. g., essentia parit proprietates ; sed sic ut habeat ex se virtutem infallibiliter obtinendi consensum. Unde potest sic distingui : Habet connexionem essentialem, id est infallibilem, cum actu, conc. ; id est, necessariam, nego ; quia movet voluntatem, non quomodocumque, sed ut libere consentiat, et cum potentia dissentiendi.

The various ways of explaining the efficacy and causality of grace efficacious of itself are weighed

1 Those who admit grace per se efficacious explain its efficacy and causality not in one way alone. Five modes are more commonly circulated. Some explain it by the multitude of helps; some by moral causality; others by indeliberate acts; others by victorious delight; and finally others by physical promotion. These five modes we shall examine in the following §§, and shall establish the truth.

Qui admittunt gratiam per se efficacem, non uno modo ejus efficaciam et causalitatem explicant. Quinque modi communius circumferuntur. Quidam eam explicant per multitudinem auxiliorum : quidam per causalitatem moralem ; alii per actus indeliberatos ; alii per delectationem victricem ; alii tandem per promotionem physicam. Hos quinque modos sequentibus §§ expendemus, et verum stabiliebus.

2 **There are examined and rejected the three first modes.**

Expenduntur et rejiciuntur tres priores modi.

3 I. — To explain the efficacy and causality of grace per se efficacious by the multitude and accumulation of helps is not to explain the thing sought, nor to touch the knot of the difficulty; for

no one denies that God attracts man to himself by many helps, both extrinsic and intrinsic. But the question is, first, whence that help among these many to which the will consents is efficacious : by its own proper virtue? How is that efficacy to be explained, and wherein to be placed?

> *I. — Explicare efficaciam et causalitatem gratiae per se efficacis per multitudinem et coacervationem auxiliorum, non est explicare id quod quaeritur, nec difficultatis nodum attingere ; nemo enim negat Deum pluribus auxiliis, tam extrinsecis quam intrinsecis, hominem ad se attrahere. Sed quaestio est, primo, unde illud ex istis multis, cui voluntas consentit, sit efficax : an propria virtute ? Quomodo ista efficacia sit explicanda et in quo reponenda ?*

4 None of which does this opinion declare. For if it say that this help is efficacious by its own proper virtue, all assertors of grace per se efficacious say this; but they ask how and wherein that efficacy and virtue is to be placed : in moral motions? in indeliberate acts? in victorious delight? in physical premotion? And this the present mode does not explain. If it say that it is efficacious from the consent of the will, it now rejects grace per se efficacious and returns to the opinion of Molina, and is bound to admit the middle science, whereby God explores toward whom the will is about to consent; which middle science nevertheless the patrons of this mode do not admit.

> *Quorum nihil dicit sententia. Si enim dicat, hoc auxilium esse propria virtute efficax, id omnes gratiae per se efficacis assertores dicunt ; sed quaerunt, quomodo et in quo reponenda est ista efficacia et virtus : an in motionibus moralibus, an in actibus indeliberatis, an in delectatione victrici, an in praemotione physica ? Et hoc non explicat iste modus. Si dicat, esse efficax ex consensu voluntatis, jam rejicit gratiam per se efficacem et redit ad sententiam Molinae, teneturque admittere scientiam mediam, qua Deus exploret cui auxilio voluntas sit consensura ; quam tamen scientiam mediam non admittunt patroni hujus modi.*

5 II. — Others place the efficacy and causality of grace per se efficacious in moral helps — not indeed fallibly moving in the sense of Molina or of the Congruists, who employ the middle science, whereby God explores toward whom out of innate liberty we are about to consent — but in helps infallibly moving, or which they judge to move infallibly, and to which they attribute whatever we attribute to physically moving helps. But, since moral help moves only objectively, inviting, alluring, persuading, etc., and only under the character of final cause, however much it be posited, the will itself always remains in potency and undetermined so as to consent to it, especially a will weak, hard, and unteachable unto good, unless it be changed and determined through something received intrinsically in it. Nor say that it is changed and determined by the very consent and operation; both because it ought to be changed and determined in order to operate and consent : therefore antecedently to consent and operation; and because operation changes not the agent actively, but the patient, since operation issues from nothing except as it is in act, and suffers as it is in potency : therefore, inasmuch as the agent operates, it is not changed effectively by its own operation, for thus it would suffer inasmuch as it operates : therefore, if it is changed, it is antecedently to the operation. And by this reason also is proved that the efficacy and causality of grace per se efficacious cannot be explained by sympathy, or by the divine decree immediately, without something received intrinsically in the will, as some wish.

> *II. — Illi reponunt efficaciam et causalitatem gratiae per se efficacis in auxiliis moralibus, non quidem fallibiliter moventibus ad sensum Molinae vel Congruistarum, qui adhibent scientiam mediam, qua Deus exploret cui ex innata libertate simus consensuri ; sed in auxiliis infallibiliter moventibus, seu quae putant infallibiliter movere, et quibus tribuunt quidquid tribuimus auxiliis physice moventibus. Verum, cum auxilium morale non moveat nisi objective invitando, alliciendo, suadendo, etc., et in ratione causae finalis tantum, quantumcumque ponatur, ipsa voluntas semper*

remanet in potentia et indeterminata ut illi consentiat, maxime voluntas infirma, dura et indocilis ad bonum, nisi per aliquid intrinsece in ea receptum mutetur et determinetur. Neque dicas mutari et determinari per ipsum consensum et operationem ; tum quia debet mutari et determinari ut operetur et consentiat : ergo antecedenter ad consensum et operationem ; tum quia operatio non mutat agens active, sed passum, quia operatio non exit ab aliquo nisi prout est in actu, et patitur prout est in potentia : ergo, in quantum operatur agens, non mutatur a sua operatione effective, sic enim pateretur in quantum operans : ergo, si mutatur, est antecedenter ad operationem. Et hac ratione etiam probatur efficaciam et causalitatem gratiae per se efficacis non posse explicari per sympathiam, vel per decretum divinum immediate, absque aliquo intrinsece recepto in voluntate, ut quidam volunt.

6 III. — The third mode places the efficacy and causality of grace per se efficacious in indeliberate motions, namely pious affection, which, if it be stronger than temptation, will conquer and be efficacious. So Gonzalez among our authors. But although an indeliberate pious affection helps and is the seed of a good work, nevertheless, however strong it be supposed, in order that the will infallibly follow it deliberately and consent to it, it must be determined by further grace or cooperating motion; otherwise it will remain void, not only on account of a stronger temptation, but even from the instability of the human will, or from several other causes, as often happens and as we know from experience. This opinion will be confuted further from what must be said in the following §.

III. — Tertius modus reponit efficaciam et causalitatem gratiae per se efficacis in motibus indeliberatis, pia scilicet affectione, quae si sit fortior tentatione, vincet et erit efficax. Ita ex nostris Gonzalez. Verum, quamvis pia affectio indeliberata juvet et sit semen boni operis, attamen, quantumvis fortis supponatur, ut voluntas infallibiliter eam deliberate sequatur et ei consentiat, debet per ulteriorem gratiam seu motionem cooperantem determinari, aliter cassa manebit, non solum ex fortiori tentatione, sed vel ex instabilitate voluntatis humanae, vel ex pluribus aliis causis, ut saepe contingit et experientia novimus. Amplius confutabitur haec sententia ex dicendis § sequenti.

7 **§ II**

§ II

8 **Is examined and rejected the fourth mode, by victorious delight.**

Expenditur et rejicitur quartus modus, per delectationem victricem.

9 Not a few place the efficacy and causality of grace in victorious delight, which they call also love and charity, inspiration of love and charity; for they use these names promiscuously, and they contend that St. Augustine taught this expressly.

Non pauci reponunt efficaciam et causalitatem gratiae in delectatione victrici, quam etiam vocant dilectionem et charitatem, inspirationem dilectionis et charitatis ; his enim nominibus promiscue utuntur, et ita expresse docuisse S. Augustinum contendunt.

10 But they are not of one mouth nor one sense. Some fight for indeliberate delight, others for deliberate. Among the former, some maintain an indeliberate delight necessitating; but Jansenius, whose error is condemned in the third proposition out of the five famous ones. Some defend an indeliberate delight not necessitating : thus generally the Augustinian Fathers, whose opinion seems to coincide with the third of the preceding §.

At non sunt unius labii nec unius sensus. Quidam pro delectatione indeliberata pugnant, alii pro deliberata. Ex primis quidam sustinent delectationem indeliberatam necessitantem, at Jansenius, cujus error in tertia propositione ex quinque

famosis est damnatus. Quidam defendunt delectationem indeliberatam non necessitantem : ita plerumque Patres Augustiniani, quorum sententia videtur coincidere cum tertia praecedentis §.

11 That these various opinions may be understood, it must be observed that delight can be taken in a twofold manner : 1° strictly, and it is the repose of appetite in a good possessed; if the appetite be rational, it is spiritual delight; if sensitive, sensible delight. Repose is here taken privatively for cessation from every act, as in insensible things, which, while they attain their perfection, do not perceive it, and are therefore held to rest by the mere cessation of motion. But cognitive beings, while they attain their perfection and good, perceive or acknowledge it, and from that cognition is caused a certain movement of the soul complacent and resting in the good present; and this movement is delight. 2° Delight is taken in a wider sense for the affection or inclination of the will toward good as fitting and consonant with nature and reason. And taken in either sense it can be deliberate or indeliberate.

Ad intelligendas istas varias opiniones, observandum est, delectationem posse sumi dupliciter : 1° stricte, et est quies appetitus in bono possesso ; si sit appetitus rationalis, est delectatio spiritualis ; si appetitus sensitivi, est delectatio sensibilis. Quies non sumitur hic privative pro cessatione ab omni actu, sicut in rebus insensibilibus, quae, dum suam perfectionem consequuntur, id non sentiunt, et ideo censentur quiescere per solam cessationem motus. At vero entia cognoscitiva, dum perfectionem suam et bonum consequuntur, id percipiunt seu agnoscunt, et ex ista cognitione causatur quidam motus animae in bono praesenti complacentis et quiescentis, et iste motus est delectatio. 2° Sumitur delectatio, latiori sensu, pro affectu seu inclinatione voluntatis in bonum ut conveniens et naturae ac rationi consentaneum. Et utroque sensu sumpta potest esse deliberata vel indeliberata.

12 Likewise, that grace per se efficacious consist in delight can be understood either in the formal sense, namely that efficacious grace be the victorious delight itself, or in the causal sense, that efficacious grace be the cause of this delight.

Item, gratiam per se efficacem consistere in delectatione, potest intelligi, vel in sensu formali, ut videlicet gratia efficax sit ipsa delectatio victrix, vel in sensu causali, ut gratia efficax sit hujus delectationis causa.

13 That Augustine understood it in this last sense, the following things prove : Book I of *De Nuptiis et Concup.*, c. 30, n. 33, he says : « The concomitant delight in the law of God according to the inner man comes to us from the great grace of God. » Book *De Spirit. et Litt.*, c. 3, n. 5 : « But we say that the human will is so divinely assisted to work justice, that, besides the fact that man was created with free choice of will, and besides the doctrine by which it is prescribed to him how he ought to live, he receive the Holy Spirit, whereby there becomes in his mind that delight and love of the highest and immutable good which is God. » Book I ad Simplic., q. 2, n. 21 : « Since therefore those things delight us whereby we make progress toward God, this is inspired, and the grace of God is offered. » Therefore, according to Augustine, delight is not grace, but its effect.

Hoc ultimo sensu intellexisse Augustinum, probant sequentia : Lib. I de Nuptiis et Concup., c. 30, n. 33, ait : « Condelectatio legi Dei secundum interiorem hominem, de magna nobis venit gratia Dei. » Lib. de Spirit. et Litt., c. 3, n. 5 : « Nos autem dicimus humanam voluntatem sic divinitus adjuvari ad faciendam justitiam, ut, praeter quod creatus est homo cum libero arbitrio voluntatis, praeterque doctrinam qua ei praecipitur quemadmodum vivere debeat, accipiat Spiritum sanctum, quo fiat in animo ejus delectatio dilectioque illius summi et incommutabilis boni quod est Deus. » Lib. I ad Simplic., q. 2, n. 21 : « Cum ergo nos ea delectant quibus proficiamus ad Deum, inspiratur hoc, et praebetur gratia Dei. » Ergo, juxta Augustinum, delectatio non est gratia, sed ejus effectus.

14 Natural reason also evinces it. 1º Delight is an act of a vital power; but grace is not a vital act, otherwise it would be effected by a vital power. 2º Spiritual delight concerning supernatural good, taken in any manner whatsoever, is a good act. Therefore it is from grace. 3° While the mind is affected with delight wherewith it was before not affected, it is intrinsically changed; but an efficient cause of this change must be assigned, which can be none other than grace. These things being premised, **I say** 1° : Grace works not always in us delight taken strictly, nor are we inclined and drawn to good by that alone, but by various other modes.

> *Id etiam ratio naturalis evincit. 1º Delectatio est actus vitalis potentiae ; gratia autem non est actus vitalis, aliter a potentia vitali efficeretur. 2º Delectatio spiritualis circa bonum supernaturale, quovis modo sumatur, est actus bonus. Ergo est a gratia. 3° Dum animus afficitur delectatione qua prius non afficiebatur, intrinsece mutatur ; debet autem assignari causa efficiens hujus mutationis, quae non potest esse alia quam gratia. His praemissis,* ***Dico*** *1° : Gratia non semper operatur in nobis delectationem stricte sumptam, neque ea sola ad bonum inclinamur et pertrahimur, sed variis aliis modis.*

15 It is proved 1° from Scripture, which sets forth fear as conducing to good. *Eccli.*, I, 1 : He that feareth God shall do good. Jerem., XXXII, 40 : I will give my fear in their hearts, that they may not depart from me. Matth., X, 28 : Fear ye not them that kill the body, and are not able to kill the soul; but rather fear him that can destroy both soul and body into hell. Psal., CXVIII, 120 : Pierce thou my flesh with thy fear; for I am afraid of thy judgments. Thus elsewhere everywhere. Whence Trent, session VI, chapter 6, enumerates the fear of divine justice among the dispositions required for justification. And canon 8 strikes with anathema those who should say that « the fear of hell, whereby we take refuge in the mercy of God, grieving for sins, or whereby we abstain from sin, is sin. » Finally, session XIV, chapter 4, resolves decretorially that attrition conceived from the fear of hell « is a gift of God and an impulse of the Holy Spirit, not indeed inhabiting, but moving, by which the penitent being helped prepares for himself a way unto justice. » Where you have plainly that fear is an effect of grace and conduces to salvation.

> *Probatur 1° ex Scriptura, qua timorem ut conducentem malo. Eccli., I, 1 : Qui timet Deum, faciet bona. Jerem., XXXII, 40 : Timorem meum dabo in corde eorum, ut a me non recedant. Matth., X, 28 : Nolite timere eos qui occidunt corpus, animam autem non possunt occidere ; sed potius timete eum qui potest et animam et corpus perdere in gehennam. Psal., CXVIII, 120 : Confige timore tuo carnes meas, a judiciis enim tuis timui. Ita alibi passim. Unde Trid., sess. VI, cap. 6, recenset justitiae divinae timorem inter dispositiones quae ad justificationem requiruntur. Et can. 8 anathemate ferit eos qui dixerint, « gehennae metum, per quem ad misericordiam Dei de peccatis dolendo confugimus, vel a peccato abstinemus, peccatum esse. » Denique sess. XIV, cap. 4, decretorie resolvit, attritionem ex gehennae metu conceptam « esse donum Dei et Spiritus sancti impulsum, non quidem inhabitantis, sed moventis, quo poenitens adjutus, viam sibi ad justitiam parat. » Ubi habes aperte, timorem esse effectum gratiae et ad salutem conducere.*

16 It is proved 2º from Augustine. Serm. 348[1] he says : « When punishment is feared which [God] threatens, is learned the love of the reward which he promises, and thus by the fear of punishment itself a good life is retained. » Book *De Correp. et Grat.*, c. 5, n. 7 : « Thou dost not wish thy vices to be shown to thee, nor that they be smitten, and that useful grief arise, whereby thou mayest seek the physician : ... as if the fear of the corrected man, or shame, or grief did nothing at all. » Ibid., n. 8 : « These thus, those otherwise, and others otherwise, are called in diverse and innumerable ways, that they may be reformed. » And book I cont. duas epist. Pelag., c. 19, n. 37 : « He is drawn therefore in wondrous ways to will, by him who knows to work inwardly in the very hearts of men, not that men

believe unwillingly — which cannot be — but that they become willing from unwilling. » Further, if we are drawn to God in wondrous, diverse, and innumerable ways : then not by delight alone.

[1] Formerly 214 de tempore.

> *Probatur 2º ex Augustino. Serm. 348[1] dicit : « Cum timetur poena quam [Deus] minatur, discitur amari praemium quod pollicetur, ac sic ipse timorem poenae bona vita retinetur. Lib. de Correp. et Grat., c. 5, n. 7 : « Non vis tibi tua vitia demonstrari, non vis ut feriantur, fiatque tibi utilis dolor, quo medicum quaeras : ... quasi aut nihil agat timor correpti hominis, vel pudor, vel dolor ». Ibid., n. 8 : « Isti sic, illi aliter, atque alii aliter, diversis et innumerabilibus modis vocantur, ut reformentur. » Et lib. I cont. duas epist. Pelag., c. 19, n. 37 : « Trahitur ergo miris modis ut velit, ab illo qui novit intus in ipsis hominum cordibus operari, non ut homines, quod fieri non potest, nolentes credant, sed ut volentes ex nolentibus fiant. » Porro, si miris, si diversis et innumerabilibus modis trahimur ad Deum : non ergo delectatione sola.*
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> *[1] Olim 214 de tempore.*

[17] ***It is proved*** 3° The Christian religion teaches us to follow, not the delightful, but the right and honest, however hard and bitter; or, that I may use the words of Christ, not joy, but the cross; and to love God, not because he delights, but because he is worthy. Therefore to will that men be always led to act by the motive of delight, never by reason, by duty, by honesty pure from all alluring delights, savors of the religion of Epicurus, not of Christ.

> Probatur *3° Religio Christiana docet nos sequi, non delectabilia, sed recta et honesta quantumvis dura et amara, seu, ut verbis Christi utar, non gaudium, sed crucem, Deumque amare, non quia delectat, sed quia dignus est. Ergo velle homines semper induci ad agendum motivo delectationis, nunquam ratione, officio, honestate ab omnibus delectationibus illecebris pura, Epicuri, non Christi religionem sapit.*

[18] ***It is proved*** 4° by experience, whereby it stands established with us that the just often withdraw from evil and do good, with no delight soothing them, but induced either by fear of punishment, or by the sole motive of duty and of the eternal law, amid wearinesses, sadnesses, and pains, nature wholly resisting.

> Probatur *4° experientia, qua nobis constat justos saepe a malo recedere et bonum facere, nulla demulcente delectatione, sed vel timore poenae, vel solo motivo officii et legis aeternae inducti, inter taedia, tristitias et dolores, tota repugnante natura.*

[19] **I say** 2° : Grace per se efficacious always works delight taken in the wider sense for the affection or inclination of the will toward fitting good; because its proper effect is to incline and apply the will to good, and consequently to effect that what is more fitting be always proposed to the will. For neither does the will fear evil except from the love of the opposite good, and because it judges that fitting and good for itself, namely to flee this evil; so that love is the first-born act of the will.

> ***Dico*** *2° : Delectationem latiori sensu sumptam pro affectu seu inclinatione voluntatis in bonum conveniens semper operatur gratia per se efficax; quia proprius ejus effectus est inclinare et applicare voluntatem ad bonum, ideoque efficere ut semper proponatur voluntati quod est magis conveniens. Neque enim voluntas timet malum, nisi ex amore boni oppositi, et quia judicat sibi conveniens et bonum, ut istud malum fugiat, ita ut amor sit actus primogenitus voluntatis.*

[20] Of delight therefore thus taken Augustine speaks mostly, when he says that grace is, or works, delight, which he calls also love and charity, taking charity widely for any volition of good. And this the Augustinian defenders of victorious delight seem to concede; for when Laurentius Berti, book XLV, c. 8, had objected to himself from Scripture and Trent that not delight alone, but also the fear of

the Lord, is the principle of our actions, he came at length so far as to call delight « the fervor of good will, » and « inspiration of good will. »

> *De delectatione igitur sic sumpta ut plurimum loquitur Augustinus, dum dicit, gratiam esse aut operari delectationem, quam etiam vocat dilectionem et charitatem, sumendo charitatem late pro quacumque voluntate boni. Idque videntur concedere Augustiniani delectationis victricis defensores; cum enim Laurentius Berti, lib. XLV, c. 8, sibi objecisset ex Scriptura et Trid., non solam delectationem, sed etiam timorem Domini esse principium actionum nostrarum, eo tandem devenit, ut vocet delectationem « bonae voluntatis fervorem, » et « inspirationem bonae voluntatis. »*

21 **I say** 3° : Delight taken in whatever sense, whether strictly or widely, whether deliberate or indeliberate, is not that in which consists the efficacy of grace per se efficacious; because that in which the efficacy of grace consists is that whereby it obtains its effect infallibly and indefectibly. But delight in God not yet clearly seen in this life, taken in whatever sense, is not that whereby grace obtains its effect infallibly and indefectibly; since all theologians teach, with St. Thomas, that delight and love of God not yet clearly seen in this life is not indefectible and irrevocable, but can, even by subsequent potency, be conquered and destroyed by fear or by the love of created good.

> ***Dico** 3° : Delectatio quovis sensu sumpta, sive stricte sive late, sive deliberata sive indeliberata, non est id in quo consistit efficacia gratiae per se efficacis; quia id in quo consistit efficacia gratiae, est id quo obtinet infallibiliter et indefectibiliter suum effectum. Atqui delectatio Dei nondum clare visi in hac vita, quovis sensu sumpta, non est quo gratia obtinet infallibiliter et indefectibiliter suum effectum; siquidem doceant omnes theologi, cum D. Thoma, delectationem et dilectionem Dei nondum clare visi in hac vita non esse indefectibilem et inamissibilem, sed posse, etiam potentia consequente, vinci et destrui per timorem aut amorem boni creati.*

22 *You will say* : How therefore is that celebrated saying of Augustine to be understood, in *Epist. ad Galat.* : « What delights us more, of necessity we work according to that? » — which, says Jansenius, book IV of *De Grat. Chr.*, c. 6, deserves to be written in golden characters.

> Dices *: Quomodo igitur intelligitur illud celebre effatum Augustini, in* Epist. ad Galat. *: « Quod amplius nos delectat, secundum id operemur necesse est? » — « quod, inquit Jansenius, lib. IV* de Grat. Chr.*, c. 6, aureis merentur scribi characteribus. »*

23 *Answer.* It certainly cannot be understood in the sense of Jansenius, as if it were not free for man to resist the greater delight : both because the Church condemned this sense in Jansenius himself; and because Augustine himself acknowledges that he did not always do what delighted him more : « I did not, » he says, book VIII of *Conf.*, c. 8, n. 20, « that which with incomparable affection pleased me more. » And book LXXXIII Quaest., q. 70, he says that man could restrain, even with grief, the great delight of hunting; finally because, according to Augustine, greater and greatest was the celestial delight in Adam and the angels sinning, which however they did not follow.

> Resp. *certo non posse intelligi ad sensum Jansenii, quasi homini non sit liberum resistere majori delectationi : tum quia hunc sensum damnavit Ecclesia in ipso Jansenio; tum quia ipse S. Augustinus agnoscit se non semper id egisse, quod ipsum magis delectabat : « Non faciebam, inquit lib. VIII* Conf.*, c. 8, n. 20, quod et incomparabili affectu amplius mihi placebat. » Et lib. LXXXIII* Quaest.*, q. 70, dicit quod homo etiam cum dolore magnam venandi delectationem posset cohibere; tum denique quia, juxta Augustinum, major et maxima fuit delectatio coelestis in Adamo et angelis peccantibus, quam tamen non sunt secuti.*

24 Therefore, 1° granting that Augustine speaks there of indeliberate delight : it is answered that he understands a moral necessity taken for great difficulty of acting otherwise, because men are wont to

do what delights them more. Yet Augustine says this not universally and absolutely, but on the hypothesis that no other motive occur. For, as we saw, he teaches that fear often draws us away from what delights more; which other motives of duty, honesty, utility, etc., can likewise accomplish. And so it is plain, even granting this sense, that the efficacy of grace does not consist in delight alone. But

Itaque, 1° dato Augustinum ibi loqui de delectatione indeliberata : respondetur, ipsum intelligere necessitatem moralem sumptam pro magna difficultate aliter operandi, quia homines solent facere id quod eos magis delectat. Neque tamen Augustinus id dicit universaliter et absolute, sed in hypothesi quod nullum occurrat aliud motivum. Nam, ut vidimus, docet timorem nos saepe abstrahere ab eo quod magis delectat; quod idem praestare possunt alia motiva officii, honestatis, utilitatis, etc. Sicque patet, etiam hoc sensu dato, efficaciam gratiae non consistere in sola delectatione. Sed

25 2° And more truly Augustine understands these words of deliberate delight, taken for the affection and inclination toward fitting good following the free election of the will; just as if he had said : Of necessity we work what we more deliberately love, what we judge practically more fitting, what pleases more. But this necessity, as is plain, is not absolute, but hypothetical; not of the consequent, but of the consequence; not antecedent, but consequent upon our liberty. In this sense therefore the saying of Augustine is most true, that we necessarily do what delights us more, that is, what we more love after deliberation and freely choose before another; but the present question remains intact : whence has grace, which is the cause of this deliberate delight and love, that it efficiently and infallibly effect it, and fix our heart therein so firmly that no good draw us away from it? For, as we already said, delight and love of any good whatsoever, even of God, in this life, is of itself defectible and losable. We shall say, as will presently appear, that grace has this from the divine motion, which effects that the love of God be always proposed to us as more fitting, and inclines us to him efficiently and freely.

2° Et verius Augustinus intelligit haec verba de delectatione deliberata, sumpta pro affectu et inclinatione in bonum conveniens subsequente liberam voluntatis electionem; perinde ac si dixisset : Necesse est operemur id quod magis deliberate amamus, quod judicamus practice magis conveniens, quod magis placet. Haec autem necessitas, ut patet, non est absoluta, sed hypothetica; non consequentis, sed consequentiae; non antecedens, sed consequens nostram libertatem. Hoc itaque sensu verissima est Augustini sententia, nos necessario facere quod nos magis delectat, hoc est, quod magis ex deliberatione amamus et prae alio libere eligimus; sed integra manet praesens quaestio : unde gratia, quae est causa hujus deliberata delectationis et amoris, habet quod efficaciter et infallibiliter illum efficiat, corque nostrum in eo ita firmet, ut nullum bonum ab eo nos abstrahat? Nam, ut jam diximus, delectatio et dilectio cujuscumque boni, etiam Dei, in hac vita, est de se defectibilis et amissibilis. Nos dicemus, ut patebit modo, gratiam id habere ex motione divina, quae efficit ut amor Dei nobis semper proponatur ut magis conveniens, et ad eum nos efficaciter et libere inclinat.

26 *You will object* : St. Augustine speaks of the delight of preventing grace, whereby it comes about that we will. Therefore he does not understand delight deliberate and following free volition. — *Proof of the antecedent.* Book I of *De Spir. et Litt.*, c. 35, n. 63 : « Who knows not, » he says, « that it is not in the power of man what he knows, nor is it a consequence that what has been known to be to be desired be desired, unless it delight as much as it ought to be loved? » And book I of *De div. quaest. ad Simplic.*, q. 2, n. 22 : « The will itself, unless something occur which delights and invites the mind, can by no manner of means be moved. But that this occur is not in the power of man. » Therefore.

Repones *: S. Augustinus loquitur de delectatione gratiae praevenientis, qua fit ut velimus. Ergo non intelligit de delectatione deliberata subsequente volitionem liberam.* — Prob. ant. *Lib. I* de Spir. et Litt.*, c. 35, n. 63 : « Quis nesciat, inquit, non esse in hominis potestate quid sciat, nec esse consequens ut quod appetendum cognitum fuerit*

appetatur, nisi tantum delectet, quantum diligendum est ? » Et lib. I de div. quaest. ad Simplic., *q. 2, n. 22 : « Voluntas ipsa, nisi aliquid occurrerit quod delectet atque invitet animum, moveri nullo modo potest. Hoc autem ut occurrat, non est in hominis potestate. » Ergo.*

27 *Answer. I distinguish the antecedent.* Augustine understands sometimes of preventing and indeliberate delight, *I concede*; always, *I deny*. In those places closely objected therefore we confess that he understands of indeliberate delight which grace produces, and which is nothing else than an indeliberate effect toward good as fitting, whereby it comes about that the will, placed in act, can freely move itself into a further deliberate act, yet through further grace moving the will thereto intervening. But it is false that Augustine, where necessitating delight is in question, understands indeliberate delight. It is plain from what has been said.

Resp. Dist. ant. *Augustinus intelligit de delectatione praeveniente et indeliberata aliquando,* conc.*; semper,* nego. *In his ergo locis proxime objectis fatemur quod intelligat de delectatione indeliberata quam facit gratia, et quae nihil aliud est quam effectus indeliberatus ad bonum ut conveniens, quo fit ut voluntas in actu posita, possit se libere movere in actum ulteriorem deliberatum, mediante tamen ulteriori gratia ad id voluntatem movente. At falsum est Augustinum, ubi agitur de delectatione necessitante, intelligere delectationem indeliberatam. Patet ex dictis.*

28 Besides, this instance again does nothing for the present question. For from this, that the will, in order that it will and love deliberately, must be preceded by delight or affection of fitting good indeliberate, it does not follow that in that delight or indeliberate affection sits the efficacy of grace, which we seek; since even that indeliberate affection is an effect of efficacious grace, and moves efficiently and infallibly to a deliberate act only through further motion or grace intervening.

Insuper haec instantia nihil iterum facit ad praesentem quaestionem. Ex hoc enim quod necesse sit voluntatem, ut velit et amet deliberate, praeveniri delectatione seu affectu boni convenientis indeliberato, non sequitur quod in ea delectatione seu affectu indeliberato sita sit efficacia gratiae, quod quaerimus; cum et ipse affectus indeliberatus sit effectus gratiae efficacis, et non moveat efficaciter et infallibiliter ad actum deliberatum, nisi mediante ulteriori motione seu gratia.

29 **§ III. — Is examined the fifth mode, by physical premotion.**

§ III. — Expenditur quintus modus per praemotionem physicam.

30 Finally the Thomists commonly place the efficacy of grace in physical premotion or predetermination.

Tandem Thomista communiter reponunt efficaciam gratiae in praemotione seu praedeterminatione physica.

31 By premotion or physical predetermination they understand nothing else than the active application of a power to its act, according to its mode, namely so that it acts freely, if it be a free power, necessarily, if it be a necessary one. Further, supposing such premotion to exist, no one can deny that it is the most expeditious mode of explaining the efficacy of grace; for since it repugns that there be active application without passive, it follows that there is an infallible connection between grace applying the will to act and the will acting.

Per praemotionem seu praedeterminationem physicam nihil aliud intelligunt, quam applicationem activam potentiae ad actum, secundum modum ejus, scilicet ut agat libere, si sit potentia libera, necessario, si sit necessaria. Porro, supposito quod detur talis praemotio, nemo negare potest quin sit modus expeditissimus explicandi efficaciam gratiae; cum enim repugnet esse applicationem activam sine passiva, sequitur esse infallibilem connexionem inter gratiam applicantem voluntatem ad actum et voluntatem agentem.

32 But the adversaries deny that such premotion exists, on many grounds, but chiefly from injury done to human liberty. That this exists the Thomist philosophers prove by every kind of arguments, which may be seen in their works. Lest however I dismiss the reader wholly fasting in this celebrated controversy, I will bring forward certain things for its assertion drawn from philosophy. Whence

> *Verum negant adversarii dari talem praemotionem, ex multis capitibus, sed praesertim ex laesione libertatis humanae. Hanc dari probant philosophi Thomistae omni genere argumentorum, quae apud ipsos videre licet. Ne tamen lectorem omnino jejunum in hac celebri controversia dimittam, quaedam in ejus assertionem ex philosophia proferam. Unde*

33 Physical promotion is briefly asserted from St. Thomas.

> *Asseritur breviter promotio physica ex D. Thoma.*

34 The holy Doctor, q. 3 *De Potentia*, a. 7, whose title is : Does God operate in the operation of nature? says : « Since no thing moves or acts of itself unless it be a mover unmoved, a thing is said in a third way to be the cause of another's action, insofar as it moves it to act; in which is understood neither the collation nor the conservation of active virtue, but the application of the virtue to action : as man is the cause of the cutting of the knife from this very fact that he applies the sharpness of the knife to cutting, by moving it. And since the agent inferior by nature acts not unless moved,... it follows of necessity that God be the cause of the action of any natural thing whatsoever, as moving and applying the virtue to acting... In a fourth way one thing is the cause of another's action, as the principal agent is the cause of the instrument's action; and in this way also it must be said that God is the cause of every natural action. » Finally he concludes the article thus : « Thus therefore God is the cause of any action whatsoever, inasmuch as he gives the virtue of acting, and inasmuch as he conserves it, and inasmuch as he applies it to action, and inasmuch as by his virtue every other virtue acts. And when we have joined to these that God is his own virtue, and that he is within any thing whatever, not as part of its essence, but as holding the thing in being, it follows that he himself operates immediately in every operator, the operation of will and nature not excluded. »

> *Sanctus Doctor, q. 3* de Potentia*, a. 7, cujus titulus est : Utrum Deus operetur in operatione naturae? dicit : « Quia nulla res per seipsam movet vel agit, nisi sit movens non motum, tertio modo dicitur una res esse causa actionis alterius, in quantum movet eam ad agendum; in quo non intelligitur collatio aut conservatio virtutis activae, sed applicatio virtutis ad actionem : sicut homo est causa incisionis cultelli ex hoc ipso quod applicat acumen cultelli ad incidendum, movendo ipsum. Et qui natura inferior agens non agit nisi mota,... sequitur de necessitate quod Deus sit causa actionis cujuslibet rei naturalis, ut movens et applicans virtutem ad agendum... Quarto modo unum est causa actionis alterius, sicut principale agens est causa actionis instrumenti; et hoc modo etiam oportet dicere quod Deus est causa omnis actionis naturalis. » Tandem sic concludit articulum : « Sic ergo Deus est causa actionis cujuslibet, in quantum dat virtutem agendi et in quantum conservat eam, et in quantum applicat actioni, et in quantum ejus virtute omnis alia virtus agit. Et cum conjunxerimus his, quod Deus sit sua virtus, et quod sit intra rem quamlibet, non sicut pars essentiae, sed sicut tenens rem in esse, sequitur quod ipse in quolibet operante immediate operetur, non exclusa operatione voluntatis et naturae. »*

35 Iª 2ae, q. 109, a. 1, c. : « As all bodily motions are reduced to the motion of the heavenly body, as to the first bodily mover, so all motions both bodily and spiritual are reduced to the first mover simply, which is God. And therefore, however perfect any bodily or spiritual nature be supposed, it cannot proceed into its act, unless it be moved by God. »

1° 2ª, q. 109, a. 1, c : « Sicut motus omnes corporales reducuntur in motum coelestis corporis, sicut in primum movens corporale, ita omnes motus tam corporales quam spirituales reducuntur in primum movens simpliciter, quod est Deus. Et ideo, quantumeunque natura aliqua corporalis vel spiritualis ponatur perfecta, non potest in suum actum procedere, nisi moveatur a Deo. »

36 That this is the opinion of St. Thomas was acknowledged by the more eminent theologians of the Society.

Hanc esse sententiam S. Thomae agnoverunt insigniores Societatis theologi.

37 1° The little book on the reason of studies composed in the Roman College itself, in the year 1586, by six Fathers of the Society of Jesus a-

1° Libellus de ratione studiorum in ipso Collegio Romano, anno 1586, compositus a sex Patribus Jesuitis a

38 -p pointed by the most Reverend Father General for this purpose. Such is the fifth rule : « In theology let our men follow the doctrine of St. Thomas, as is provided in the fourth part of the constitutions, chapter 14, excepting a few. » Among those few exceptions, at number 6 is read : « Second causes to be properly and univocally instruments of God, and, when they act, that God first inflows into them, or moves them. » That this book is kept in the convent of St. Thomas Aquinas at Toulouse, Father Anthony Massoulie testifies, and that he himself often read it, and transcribed with his own hand from it these things which we relate. Indeed another was afterwards published at Antwerp, wherein these things are wanting : with what mind or cause I inquire not. It suffices us that those six Fathers, the original authors, thus judged.

Reverendissimo P. Generali ad id deputatis. Sic habet regula quinta : « In theologia doctrinam S. Thoma, ut cavelur quarta parte constitutionum, cap. 14, nostri sequantur, exceptis paucis. » Inter autem paucae illae excepta, sic numero 6 legitur : « Causas secundas esse proprie et univoce instrumenta Dei, et cum operantur, Deum in illas primum influere, aut eas movere. » Hunc libellum Tolosae in conventu D. Thomae Aquinatis asservari, testatur P. Antonius Massoulié, seque ipsum saepe legisse, et haec quae referimus propria manu ex illo exscripsisse. Equidem alter fuit postea editus Antverpiae, in quo haec desiderantur : qua mente vel causa, non inquiro. Sufficit nobis ita censuisse sex illos Patres prioris authores.

39 2° Molina himself confesses that this opinion of prime motion was handed down by St. Thomas, in the *Concordia*, q. 14, a. 13, disp. 26. Likewise the Jesuits of Coimbra, in book II of the *Physics*, chapter 7, q. 15.

2° Molina ipse hanc de praviâ motione sententiam esse a D. Thoma traditam fatetur in Concordio*, q. 14, a. 13, disp. 26. Item Jesuitae Conimbricenses in II lib.* Physic.*, cap. 7, q. 15.*

40 Premotion is asserted by reasons drawn from St. Thomas.

Asseritur praemotio rationibus ex S. Thoma depromptis.

41 The first reason is proposed thus. God is the first mover and first efficient cause, to whom all second causes and all created movers are immediately subordinated in acting and moving. But, physical premotion set aside, the primacy of cause is not saved in God, nor the subordination of second causes in acting. Therefore. — The major is a principle constant in St. Thomas, proved among all theologians and philosophers, so that he would be rash who denied it. For as certainly God is the first being, from whom all beings are immediately participated, so he is the first efficient cause, to

whom all second causes are immediately subordinated and from whom they depend in acting. — Proof of the minor. The subordination of causes in acting consists in this, that the first move and apply the seconds to acting, and that the seconds act not unless moved by the first. « If there be many agents ordered, » says St. Thomas, Iª p., q. 105, a. 5, c., « the secondary agent always acts in virtue of the first agent; for the first agent moves the secondary to act. And according to this all things act in the virtue of God himself. » This also is plain, not only in natural things, but even in artificial ones : inferior workmen are and are said to be subordinated to some first workman, soldiers to a general, monks to an abbot, insofar as they act according to the moral application and determination received — workmen from the architect, soldiers from the general, monks from the abbot; so that if an inferior workman act without the moral application of the superior architect, a soldier fight without the command of his general, a monk conduct himself by his own nod and not the abbot's, by this very fact the subordination is overthrown. But the motion whereby the first mover, or first cause in the genus of efficient cause, moves and applies the second, is physical premotion; for, as we said above and as is evident per se, the motion of the mover is prior in nature and causality to the motion of the moved. Therefore.

> *Prima ratio sic proponitur. Deus est primus motor et prima causa efficiens, cui omnes causae secundae et omnia moventia creata immediate subordinantur in agendo et movendo. Atqui, seclusa praemotione physica, non salvatur in Deo primatus causae nec subordinatio causarum secundarum in agendo. Ergo. — Major est principium constans in D. Thoma, omnibus theologis et philosophis probatum, ita ut temerarius foret qui illud negaret. Sicut enim certo Deus est primum ens, a quo omnia entia immediate participantur, ita est prima causa efficiens, cui omnes causae secundae immediate subordinantur et a qua dependent in agendo. — Prob. min. Subordinatio causarum in agendo in hoc sita est, quod prima moveat et applicet secundas ad agendum, et secundae non agant, nisi motae a prima. « Si sint multa agentia ordinata, inquit S. Thomas, Iª p., q. 105, a. 5, c, semper secundum agens agit in virtute primi agentis; nam primum agens movet secundum ad agendum. Et secundum hoc, omnia agunt in virtute ipsius Dei. » Id etiam patet, non solum in rebus naturalibus, sed etiam artificialibus, inferiores artifices in tantum sunt et dicuntur subordinati alicui primo artifici, milites duci, monachi abbati, in quantum agunt juxta applicationem et determinationem moralem receptam, artifices ab architecto, milites a duce, monachi ab abbate; ita ut, si inferior artifex sine applicatione morali superioris architecti agat, miles sine jussu duceis pugnet, monachus nutu suo et non abbatis se gerat, hoc ipso evertatur subordinatio. Atqui motio qua primum movens, seu prima causa in genere causae efficientis, movet et applicat secundum, est praemotio physica; ut enim superius dicebamus et per se patet, motio moventis est natura et causalitate prior motu mobilis. Ergo.*

42 It is confirmed. The primacy of cause in God and the subordination of second causes to him in acting cannot be saved through simultaneous concourse, nor through moral motion, nor through this, that God gave to second causes the virtue of acting. Therefore through physical premotion alone, or previous concourse. The consequence is plain from a sufficient enumeration; for nothing else assignable exists whereby the subordination of causes could be saved.

> *Confirmatur. Primatus causae in Deo et subordinatio causarum secundarum ad illum in agendo, salvari non potest per concursum simultaneum, neque per motionem moralem, neque per hoc quod Deus causis secundis dederit virtutem agendi. Ergo per solam praemotionem physicam seu concursum praevium. Consequentia patet a sufficienti enumeratione; nihil enim aliud est assignabile per quod subordinatio causarum possit salvari.*

43 Proof of the first part of the antecedent. Not through simultaneous concourse; because simultaneous concourse moves not the second cause, inflows not into it, makes it not to act, but acts together with it, and inflows into the effect alone; otherwise it would not be simultaneous but

previous, and so we should have our intent. Whence God through it is co-cause, but not first cause. Nor stands in the way that it be more perfect and worthier than the concourse of the second cause. That indeed makes and shows the cause more perfect and worthier, that is, first under the character of dignity and perfection, but not first in causing and in the genus of efficient cause, which is here in question.

> *Prob. prima pars ant. Non per concursum simultaneum; quia concursus simultaneus non movet causam secundam, non influit in illam, non facit ut faciat, sed facit cum illa, et in solum effectum influit, aliter non foret simultaneus, sed praevius, sicque haberemus intentum. Unde Deus per illum est concausa, sed non prima causa. Neque obstat quod sit perfectior et dignior concursu causae secundae. Id quidem facit et ostendit quod causa sit perfectior et dignior, seu prima in ratione dignitatis et perfectionis, non autem prima in causando et in genere causae efficientis, de quo agitur.*

44 *You will say* : Simultaneous concourse is even unto the action of the creature, and not merely unto its effect. Therefore.

> Dices *: Concursus simultaneus est etiam ad actionem creaturae, et non tantum ad ejus effectum. Ergo.*

45 *Answer. I distinguish the antecedent.* Simultaneous concourse is even unto the action of the creature as effect, *I concede*; reduplicatively as action, or as formally from the second cause, *I deny*. For through simultaneous concourse God moves not the second cause to act, nor makes it to act, but only acts with it; otherwise, as already said, it would not be simultaneous, but previous. But for subordination in acting it suffices not that he produce the action together with the second cause, nor that he act with it; but it is required that he move and determine it to act, and make it to act. Confer the tract on God, dissert. VI on the middle science §§ 4, 6 and 7, and dissert. VIII on the Decrees a. 1 and 2.

> Resp. Dist. ant. *Concursus simultaneus est etiam ad actionem creaturae ut effectus est,* conc.*; reduplicative ut actio est, seu ut est formaliter a causa secunda,* nego. *Non enim per concursum simultaneum Deus movet causam secundam ad agendum, nec facit ut faciat, sed facit tantum cum illa; aliter, ut jam dictum est, non foret simultaneus, sed praevius. Ad subordinationem autem in agendo, non sufficit quod producat actionem cum causa secunda, nec quod faciat cum illa, sed requiritur quod illam moveat et determinet ad agendum, et faciat ut faciat. Confer in tract. de Deo, dissert. VI, de Scientia media §§ 4, 6 et 7, et dissert. VIII, de Decretis a. 1 et 2.*

46 Proof of the second part of the antecedent. Not through moral motion; because moral motion indeed can constitute subordination in the moral order and in the genus of final cause, but not in the physical order and in the genus of efficient cause, which is here treated; for God is first mover and first cause in the physical order and in the genus of efficient cause, and not only in the genus of moral and final cause. Otherwise he would be merely first mover and first cause with respect to free agents, which alone are capable of moral motion, not of natural agents. Confer On the Decrees, place last cited.

> *Prob. secunda pars ant. Non per motionem moralem; quia motio moralis potest quidem constituere subordinationem in ordine morali et in genere causae finalis, at non in ordine physico et in genere causae efficientis, de quo hic agitur; est enim Deus primus motor et prima causa in ordine physico et in genere causae efficientis, et non solum in genere causae moralis et finalis. Aliter foret tantum primus motor et prima causa respectu agentium liberorum, quae sola sunt capacia motionis moralis, non agentium naturalium. Confer de Decretis, loco proxime citato.*

47 Proof of the third part of the antecedent. Not through this, that God gave to second causes the virtue of acting : 1° because St. Thomas proscribes this opinion as erroneous, III Cont. gent., chapter 88. 2° Because Pelagius admitted it, and was condemned. 3° Because it falls back upon the opinion of

Durandus, denying the immediate influx of God into the actions of creatures, which all reject. 4° Finally because it constitutes the subordination of second causes to the first not in causing, but only in being, as is plain from what has been said. Confer On the Decrees, place cited.

Prob. tertia pars ant. Non per hoc quod Deus causis secundis dederit virtutem agendi : 1° quia hanc opinionem ut erroneam proscribit S. Thomas, III Cont. gent., cap. 88. 2° Quia id admisit Pelagius, et fuit damnatus. 3° Quia reincidit in sententiam Durandi, negantis immediatum Dei influxum in actiones creaturarum, quam omnes improbant. 4° Tandem quia non constituit subordinationem causarum secundarum primi in causando, sed in essendo tantum, ut patet ex dictis. Confer de Decretis, loco citato.

48 The second reason is proposed thus. A cause indifferent of itself and undetermined to act or not to act, to do this or that, cannot be determined to one rather than to another, except through physical premotion. But man is indifferent to act or not to act, to do this or that. Therefore. — The minor is certain; for in this indifference lies the liberty of man. — Proof of the major. A cause indifferent of itself and undetermined to this or that cannot determine itself to one rather than to another; because, since it is supposed indifferent, there is no reason why it should incline to this rather than that; nor from an indifferent cause, as such, can a determined effect proceed more than heat from cold. Nor can it be determined through simultaneous concourse; because, from the very adversaries, simultaneous concourse is offered indifferently to either alternative, and elsewhere inflows not into the cause so as to determine it, but supposes it determined. Nor through moral motions; because, as I already said, moral motions move the will only objectively and by alluring, not intrinsically, by changing it : whence, any moral motion whatever being posited, the will is still undetermined and indifferent to this or that. There remains therefore that it can be determined through physical premotion alone.

Secunda ratio sic proponitur. Causa ex se indifferens et indeterminata ad agendum vel non agendum, ad hoc vel illud agendum, non potest determinari ad unum potius quam ad aliud, nisi per praemotionem physicam. Atqui homo est indifferens ad agendum vel non agendum, ad hoc vel illud agendum. Ergo. — Min. est certa; in hâc enim indifferentia sita est libertas hominis. — Prob. maj. Causa ex se indifferens et indeterminata ad hoc vel illud, non potest se ipsam determinare ad unum potius quam ad aliud; quia, cum supponatur indifferens, non est ratio cur in hoc potius quam in illud propendeat, nec a causa indifferenti, ut tali, potest magis procedere effectus determinatus quam calidum ex frigido. Neque determinari potest per concursum simultaneum; quia, ex ipsis adversariis, concursus simultaneus offertur indifferenter ad utrumlibet, et aliunde non influit in causam ut illam determinet, sed supponit determinatam. Neque per motiones morales; quia, ut jam dixi, motiones morales non movent voluntatem nisi objective et alliciendo, non intrinsece, eam immutando : unde, posita quacumque motione morali, voluntas est adhuc indeterminata et indifferens ad hoc vel illud. Restat ergo quod per solam praemotionem physicam possit determinari.

49 The third reason. God is the immediate and universal efficient cause of every being and of all its modes. Therefore he is the immediate physical cause of action reduplicatively as action is, and as it proceeds formally and depends upon the will; for action, under that character, and this its procession and dependence upon the will, is something in the nature of things, namely a mode of being and liberty itself in exercise, whereby we merit or demerit. But he cannot be the immediate efficient cause of action under that formality, except through physical premotion, whereby he applies the will to acting and makes it to act; for through simultaneous concourse he acts while it acts, he makes it not to act : through moral motions he is only moral cause, not efficient and physical. Confer On the Decrees, a. 2, § 4, the first answer of the adversaries.

Tertia ratio. Deus est causa efficiens immediata et universalis omnis entis et omnium ejus modorum. Ergo est causa physica immediata actionis reduplicative ut actio est, et prout formaliter procedit et dependet a voluntate; actio enim, sub ista ratione, et haec ejus processio et dependentia a voluntate est aliquid in rerum natura, nempe modus entis et ipsa libertas in exercitio, per quam meremur vel demeremur. Atqui non potest esse causa efficiens immediata actionis sub ista formalitate, nisi per praemotionem physicam, per quam applicat voluntatem ad agendum et facit ut faciat; per concursum enim simultaneum facit cum facit, non facit ut faciat : per motiones autem morales est causa moralis tantum, non efficiens et physica. Confer de Decretis, a. 2, § 4, primam responsionem adversariorum.

50 *Note.* Almost everything which I have said against the middle science, for determining decrees and for grace per se efficacious, fights for physical premotion. Therefore they are to be compared.

Nota. *Omnia fere quae dixi contra scientiam mediam, pro decretis praedeterminantibus et pro gratia per se efficaci, militant pro praemotione physica. Ideo conferenda.*

51 As to the objections which are drawn from authority, from injury to liberty, from the insufficiency of help, and from affinity with Calvinism, you have them solved in the dissert. cited On the Decrees, a. 3. Those which are drawn from injury to divine sanctity are solved in the same place, § 7.

Quantum ad objectiones quae petuntur ex authoritate, ex laesione libertatis, ex insufficientia auxilii et ex affinitate cum Calvinismo, solutas habes dissert. cit. de Decretis, a. 3. Quae vero petuntur ex laesione sanctitatis divinae, solutae sunt ibid., § 7.

52 Whoever desires more, let him go to Sylvius, On the motion of the first mover; to Father Anthony Massoulie, in his work St. Thomas his own interpreter, tom. I, dissert. 1 and 2; but above all to Father Anthony Goudin, in the *Metaphysics*, disp. II, q. 3, who treated this matter, in my judgment, no less solidly than clearly and within the grasp of all.

Qui plura cupit, adeat Sylvium, de motione primi motoris; P. Antonium Massoulié, in opere D. Thomas sui interpres, tom. I, dissert. 1 et 2; sed potissimum P. Antonium Goudin, in Metaphysica*, disp. II, q. 3, qui hanc materiam, meo judicio, non minus solide quam dilucide et ad captum omnium tractavit.*

On the cause of grace

1 I suppose as certain that the proximate final cause of habitual grace is the eternal salvation of him who has it (habitual, I say, because it is of this precisely that we inquire, and only indirectly of actual grace, insofar namely as it is a motion toward habitual grace, as toward its form and term); the remoter cause is Christ; the ultimate, God, according to that, *I Cor.*, III, 22 and 23: *All things are yours, and you are Christ's, and Christ is God's.* Moreover, the material cause is the essence itself of the soul; there is no formal cause, because grace is a simple form; the instrumental cause is the humanity of Christ together with the sacraments of the Church; angels and men are ministerial causes — angels by supplying the illuminations by which we come to grace, men not only by instructing but also by administering the sacraments; finally, the principal meritorious cause is Christ, and the less principal is just man, who can merit for himself de condigno the increase of grace, and for another de congruo first grace and then the increase of this grace [1]. These things supposed,

1 Cfr. conc. Trid., sess. VI, cap. 7.

Suppono ut certum, causam finalem gratiae habitualis proximam esse salutem aeternam habentis illam (habitualis, inquam, quia de hac praecise quaeritur, et nonnisi indirecte de gratia actuali, quatenus scilicet est motus ad habitualem, ut ad formam et terminum); ulteriorem esse Christum; ultimam Deum, juxta illud, I Cor., III, 22 et 23 : Omnia vestra

> sunt, vos autem Christi, Christus autem Dei. *Insuper, causa materialis est ipsa essentia animae; causa formalis nulla est, quia gratia est simplex forma; causa instrumentalis est humanitas Christi, cum sacramentis Ecclesiae; angeli et homines sunt causa ministerialis, angeli subministrando illustrationes quibus perveniamus ad gratiam, homines non solum instruendo, sed et ministrando sacramenta; tandem causa meritoria principalis est Christus, et minus principalis homo justus, qui et sibi potest mereri de condigno augmentum gratiae, et alteri de congruo primam gratiam et deinde incrementum hujus gratiae* [1]. *His suppositis,*
>
> [1] *Cfr. conc. Trid., sess. VI, cap. 7.*

2 *You will ask* 1° whether God alone is the principal efficient cause of grace.

> Petes *1° utrum Deus solus sit causa principalis efficiens gratiae.*

3 *I answer.* affirmatively.

> Resp. *affirmative.*

4 *It is proved* 1° from Scripture. Job, XIX, 4, it is said: Who can make clean him that is conceived of unclean seed? Is it not thou who alone art? Psal. LXXXIII, 12: The Lord will give grace and glory.

> Probatur *1° ex Script. Job, XIX, 4, dicitur : Quis potest facere mundum de immundo conceptum semine? Nonne tu qui solus es? Psal. LXXXIII, 12 : Gratiam et gloriam dabit Dominus.*

5 It is proved by reason. 1. Nothing can efficiently produce by its own power anything nobler, more perfect and of a higher order than itself; for the principal efficient cause is of greater or at least equal perfection with its effect. Yet grace is something nobler, more perfect and of a higher order than any created agent, since it is a participation of the divine nature, as was said above. Therefore.

> *Probatur ratione 1. Nihil potest propria virtute efficienter producere aliquid quod sit nobilius, perfectius et altioris ordinis quam ipsum sit; causa enim principalis efficiens est majoris seu saltem aequalis perfectionis cum effectu. Atqui gratia est quid nobilius, perfectius et altioris ordinis quam quodvis agens creatum, cum sit participatio divinae naturae, ut supra dictum est. Ergo.*

6 *It is confirmed.* To produce grace by way of principal efficient cause belongs to him alone whose it is to deify, to give right to the inheritance, and to forgive sins. Yet this is proper to God alone: he only can deify others who is himself God by his own nature; he only can give right to an inheritance who is lord of the inheritance; he only forgives sins whom sin offends. Therefore.

> *Confirmatur. Illius solius est producere gratiam per modum causae principalis efficientis, cujus est deificare, dare jus ad haereditatem et peccata dimittere. Atqui id Dei solius est proprium : ille enim solus potest alios deificare, qui per seipsum Deus est; ille solus potest dare jus ad haereditatem, qui haereditatis est dominus; ille solus peccata dimittit, quem peccatum offendit. Ergo.*

7 *You will ask* 2° whether grace is created, or educed from the obediential potency of the soul.

> Petes *2° utrum gratia creetur, vel educatur de potentia obedientiali animae.*

8 Some hold that grace is created, some co-created, others, and more commonly, that it is educed from the potency of the soul. With these latter

> *Quidam tenent gratiam creari, quidam concreari, alii et communius educi de potentia animae. Cum his posterioribus*

9 *I answer.* Grace is not created, nor co-created, but is educed from the obediential potency of the soul.

> Resp. *Gratia non creatur, nec concreatur, sed educitur de potentia obedientiali animae.*

10 The first part is proved. To be created is proper to a subsistent thing [2]. Yet grace is not a subsistent being, but an inhering accident. Therefore. — Prob. maj. To be created is a kind of becoming, and this becoming is ordered to esse, nay is esse begun: whence to become and be created properly belong to those alone to which esse belongs. Yet esse properly belongs to subsistents only, whether they are simple, as separate substances, or composite, as material substances. Ergo. — Prob. min.

2 1ª p., q. 45, a. 4, c; q. 27 de Veritate, a. 3, ad 9.

> *Probatur prima pars. Creari est proprium rei subsistentis [2]. Atqui gratia non est ens subsistens, sed accidens inhaerens. Ergo. — Prob. maj. Creari est quoddam fieri, et hoc fieri ordinatur ad esse, imo est esse inchoatum : unde illis solis proprie convenit fieri et creari, quibus convenit esse. Atqui esse proprie convenit solis subsistentibus, sive sint simplicia, ut substantiae separatae, sive composita, ut substantiae materiales. Ergo. — Prob. min.*
>
> 2 *1ª p., q. 45, a. 4, c; q. 27 de Veritate, a. 3, ad 9.*

11 [1]

1 Here q. 112, a. 1, c.

> *1*
>
> 1 *Hic q. 112, a. 1, c.*

12 To those properly belongs esse which has esse and subsists in its esse. Yet accidents are not called beings as if they themselves were, but because something is such by them [1], as whiteness is called a being on that ground only because by it the subject is white: whence an accident is more properly said of a being than a being. Ergo.

1 Here q. 110, a. 2, ad 3.

> *Ii proprie convenit esse, quod habet esse et in suo esse subsistit. Atqui accidentia non dicuntur entia quasi ipsa sint, sed quia eis aliquid est tale[1], ut albedo ea tantum ratione dicitur ens, quia ea subjectum est album : unde accidens magis dicitur entis quam ens. Ergo.*
>
> 1 *Hic q. 110, a. 2, ad 3.*

13 The second part is also proved, namely that grace is not co-created, and it is evident. For an inhering form is said to be co-created when it is produced by the creative action of the subject itself. Yet the action producing grace in us does not create its subject at the same time, but presupposes it, namely the soul. Ergo.

> *Probatur etiam secunda pars, nempe quod gratia non concreetur, et patet. Forma enim inhaerens concreari dicitur, quando producitur per ipsam actionem subjecti creativam. Atqui actio producens in nobis gratiam, non creat simul ejus subjectum, sed supponit illud, scilicet animam. Ergo.*

14 Hence the third part is proved, namely that grace is educed from the obediential potency of the soul. For creation and eduction are contradictorily opposed: creation consists in a becoming from no presupposed subject; eduction, on the contrary, is a becoming from some subject presupposed. Yet grace is neither created nor co-created, as was proved above. Ergo it is educed.

> *Probatur hinc tertia pars, scilicet quod gratia educatur de potentia obedientiali animae. Creatio enim et eductio contradictorie opponuntur : creatio consistit in fieri ex nullo praesupposito subjecto; eductio, e contra, est fieri ex aliquo*

subjecto praesupposito. Atqui gratia non creatur nec concreatur, ut supra probatum est. Ergo educitur.

15 *It is confirmed.* To be educed is to come to be dependently upon a subject. Yet grace in its connatural becoming depends upon a subject. Ergo. — Prob. min. From that from which grace depends in its esse, it depends in its coming to be; for the reason of both is the same, if it comes to be connaturally. Yet in its esse grace depends on a subject. Ergo.

Confirmatur. Educi est fieri dependenter a subjecto. Atqui gratia in suo fieri connaturaliter dependet a subjecto. Ergo. — Prob. min. Ab eo gratia dependet in fieri, a quo dependet in esse; utriusque enim eadem est ratio, si connaturaliter fiat. Atqui in esse gratia dependet a subjecto. Ergo.

16 *You will object*: Grace is said in Scripture to be created. Psal. L, 12: Create a clean heart in me, O God. Galat., VI, 15: In Christ Jesus neither circumcision availeth any thing, nor uncircumcision, but a new creature, namely grace. Ephes., II, 10: We are his workmanship, created in Christ Jesus in good works; which can be understood only of grace. Ergo.

Objicies *: Gratia dicitur in Scriptura creari. Psal. L, 12 : Cor mundum crea in me, Deus. Galat., VI, 15 : In Christo Jesu neque circumcisio aliquid valet, neque praeputium, sed nova creatura, scilicet gratia. Ephes., II, 10 : Ipsius sumus factura, creati in Christo Jesu in operibus bonis; quod de gratia tantum intelligi potest. Ergo.*

17 *I answer.* that grace is said to be created quasi morally, because it presupposes no merit [2]. But it is not created physically; for it presupposes a subject. Whence it is also expressed in Scripture more rarely by creation, but more often by generation, vivification, reformation, resurrection, and similar terms.

2 Ibid.

Resp. *gratiam dici creari quasi moraliter, quia nullum meritum praesupponit*[2]*. At non creatur physice; nam subjectum praesupponit. Unde etiam rarius in Scriptura exprimitur per creationem, saepius vero per generationem, vivificationem, reformationem, resuscitationem, et similes terminos.*

2 *Ibid.*

18 *You will ask* 3° whether some preparation or disposition on the part of man is required for grace.

Petes *3° utrum ad gratiam requiratur aliqua praeparatio seu dispositio ex parte hominis.*

19 *I answer.* 1°. As to actual grace, it is certain that no preparation is required on the part of man as preventing the divine assistance, but rather whatever preparation can exist in man is from that assistance of God moving the soul to good.

Resp. *1°. Quantum ad gratiam actualem, certum est quod nulla praeparatio requiratur ex parte hominis, quasi praeveniens divinum auxilium, sed potius quaecumque praeparatio qua in homine esse potest, est ex illo auxilio Dei moventis animam ad bonum.*

20 *I answer.* 2°. According to the common course of divine providence, there is required on the part of an adult in possession of himself a certain disposition to grace: which disposition is an act and motion of free will toward God. I said, « of an adult in possession of himself; » for it is agreed that infants do not receive grace through baptism mediated by a disposition of free will, of which they are not capable, as not either perpetual madmen.

Resp. *2°. Juxta communem providentiae divinae cursum, requiritur ex parte hominis adulti sui compotis quaedam dispositio ad gratiam : quae dispositio est actus et motus liberi arbitrii in Deum. Dixi, « hominis adulti sui compotis ; »*

nam constat infantibus non conferri gratiam per baptismum mediante dispositione liberi arbitrii, cujus non sunt capaces, sicut nec amentes perpetui.

21 Each part of the answer seems decided by faith by the council of Trent, sess. VI, cap. 6, in these words: « Adults however [are disposed] to justice itself, when, excited and assisted by divine grace, conceiving faith from hearing, they are freely moved toward God. » And can. 9: « If anyone shall say, that the impious is justified by faith alone, so as to understand that nothing else is required which cooperates toward obtaining the grace of justification, and that it is in no way necessary that he be prepared and disposed by the motion of his own will; let him be anathema. »

Utraque pars responsionis videtur de fide decisa a concilio Trid., sess. VI, cap. 6, his verbis : « Disponuntur autem [adulti] ad ipsam justitiam, dum excitati divina gratia et adjuti, fidem ex auditu concipientes, libere moventur in Deum. » Et can. 9 : « Si quis dixerit, sola fide impium justificari, ita ut intelligat nihil aliud requiri quod ad justificationis gratiam consequendam cooperetur, et nulla ex parte necesse esse eum suae voluntatis motu praeparari atque disponi ; anathema sit. »

22 This also Sacred Scripture clearly intimates. *I Reg.*, VII, 3: *Prepare your hearts unto the Lord. Zach.*, I, 3: *Turn ye to me, saith the Lord of hosts, and I will turn to you.*

Id etiam aperte innuit S. Scriptura. I Reg., *VII, 3 :* Praeparate corda vestra Domino. Zach., *I, 3 :* Convertimini ad me, dicit Dominus exercituum, et convertar ad vos.

23 The first part is *proved* by reason [1]. A perfect and complete form, giving fixed and permanent esse, according to the common course of divine providence is not introduced into a subject unless it be disposed and prepared. Yet habitual grace is a perfect and complete form, giving fixed and permanent supernatural esse. Ergo. — The minor stands. The major also is evident both in natural things and in supernatural. Thus in natural things substantial forms, whether animate or inanimate, are introduced only into disposed matter; in supernatural things, the divine essence, as intelligible form, is not united to the blessed intellect except through the light of glory disposing it.

1 Here q. 112, a. 2, c.

Probatur *prima pars ratione*[1]*. Forma perfecta et completa, dans esse fixum et permanens, juxta communem providentiae divinae cursum non introducitur in subjectum, nisi sit dispositum et praeparatum. Atqui gratia habitualis est forma perfecta et completa, dans esse supernaturale fixum et permanens. Ergo. — Minor constat. Major etiam patet, tam in naturalibus quam in supernaturalibus. Sic in naturalibus, formae substantiales, sive animatae sive inanimatae, non introducuntur nisi in materiam dispositam ; in supernaturalibus, divina essentia, ut forma intelligibilis, non unitur intellectui beato nisi per lumen gloriae disposito.*

1 Hic q. 112, a. 2, c.

24 The second part is likewise *proved* by reason [1]. Grace is conferred on an adult man by God moving him. Yet God moves all things according to the mode of each; but man is by nature of free will, and therefore it is proper to him to be moved through free will. Ergo in the adult there is not made by God a motion to grace without a motion of free will.

1 Here q. 113, a. 3, c.

Probatur *secunda pars item ratione*[1]*. Confertur gratia homini adulto a Deo movente ipsum. Atqui Deus movet omnia secundum modum cujusque ; homo autem est secundum naturam liberi arbitrii, ideoque proprium est illi moveri per liberum arbitrium. Ergo in adulto non fit a Deo motio ad gratiam sine motu liberi arbitrii.*

[1] *Hic q. 113, a. 3, c.*

25 *It is confirmed.* According to the common course of divine providence, a form is introduced only into a subject disposed according to its proper mode. Yet the proper mode by which a man in possession of himself disposes himself to good is through the act of free will. Ergo.

Confirmatur. *Secundum communem divinae providentiae cursum, forma non introducitur nisi in subjectum juxta proprium modum dispositum. Atqui proprius modus quo homo sui compos se disponit ad bonum, est per actum liberi arbitrii. Ergo.*

26 I said, « according to the common course of divine providence; » because it must not be denied that God of absolute power can confer grace on one not disposed, as on one sleeping, since in this there is nothing repugnant. But reasoning must be about commonly contingent things only, as constituting rule and law.

Dixi, « secundum communem divinae providentiae cursum ; » quia negari non debet quin Deus de potentia absoluta possit conferre gratiam non disposito, ut dormienti, cum in hoc nulla sit repugnantia. Sed de communiter contingentibus tantum, utpote regulam et legem constituentibus, ratiocinandum est.

27 *Note*, that acts of free will moved by God concur to grace not effectively, but dispositively only. For the council of Trent, sess. VI, cap. 7, teaches this: « The causes of this justification are:... efficient, the merciful God;... instrumental, the sacrament of baptism. » And St. Thomas says, q. 28 de Veritate, ad 2: « The sacrament of penance has to confer grace by virtue of the keys, by which the penitent subjects himself. Contrition therefore, if considered in itself, has reference to grace only by way of disposition; but if considered inasmuch as it has the virtue of the keys in vow, thus it operates sacramentally in virtue of the sacrament of penance, as also in virtue of baptism, as appears in the adult who has the sacrament of baptism in vow only. From this therefore it is not had that contrition is the efficient cause of the remission of guilt, speaking per se, but the virtue of the key or baptism. » He teaches the same in IV Sent., dist. 17, q. 2, a. 5, quaestiunc. 1.

Nota, *actus liberi arbitrii a Deo motos, non effective, sed dispositive tantum ad gratiam concurrere. Nam concilium Trid., sess. VI, cap. 7, hoc docet : « Hujus justificationis causae sunt :... efficiens, misericors Deus ;... instrumentalis, sacramentum baptismi. » Et D. Thomas dicit, q. 28 de Veritate, ad 2 : « Poenitentiae sacramentum habet conferre gratiam ex virtute clavium, quibus se poenitens subjicit. Contritio igitur, si secundum se consideretur, non se habet ad gratiam nisi per modum dispositionis ; sed, si consideretur in quantum habet virtutem clavium in voto, sic sacramentaliter operatur in virtute sacramenti poenitentiae, sicut et in virtute baptismi, ut patet in adulto qui habet sacramentum baptismi in voto tantum. Ex hoc igitur non habetur quod contritio sit causa efficiens remissionis culpae, per se loquendo, sed virtus clavis vel baptismus. » Idem docet in IV Sentent., dist. 17, q. 2, a. 5, quaestiunc. 1.*

28 *You will ask* 4° whether grace is greater in one than in another.

Petes *4° utrum gratia sit major in uno quam in alio.*

29 *I answer.* affirmatively [1]. That Scripture indicates everywhere.

1 Here q. 112, a. 4, c.

Resp. *affirmative*[1]. *Id passim indicant Scripturae.*

[1] *Hic q. 112, a. 4, c.*

30 The reason is, because it is common to every subject to receive the form more or less, according as it is more or less disposed to it. The proximate reason therefore of this inequality of grace is the inequality of dispositions on the part of man; the first and remote one is the will of God, which is author not only of grace but also of the disposition to it, dividing to each as he wills, *I Cor.*, XII, 11, and giving to each one grace according to the measure of the donation of Christ, *Ephes.*, IV, 7. Whence, as he bestows unequal grace, so also unequal disposition to it, unto the consummation of the saints, unto the edification of the body of Christ, as is added in the same place, that is, that out of diverse grades the beauty and perfection of the Church may arise, as also in natural things he instituted diverse grades of beings, that the universe might be perfect.

> *Ratio est, quia commune est omni subjecto ut plus vel minus formam recipiat, secundum quod est plus vel minus dispositum ad illam. Proxima ergo ratio hujus inaequalitatis gratiae est inaequalitas dispositionum ex parte hominis ; prima et remota est voluntas Dei, quae non solum gratiae, sed etiam dispositionis ad illam est author, dividens singulis prout vult,* I Cor.*, XII, 11, et unicuique dans gratiam secundum mensuram donationis Christi,* Ephes.*, IV, 7. Unde, sicut inaequalem gratiam, ita et inaequalem dispositionem ad illam tribuit, ad consummationem sanctorum, in aedificationem corporis Christi, ut ibidem additur, id est, ut ex diversis gradibus pulchritudo et perfectio Ecclesia consurgat, sicut etiam in rebus naturalibus diversos gradus entium instituit, ut esset universum perfectum.*

31 *You will ask* 5° whether anyone can be certain he is in grace.

> Petes *5° utrum aliquis possit esse certus se esse in gratia.*

32 *I answer.*[2] Special revelation set aside, no one can be certain that he is in grace with absolute certainty, under which falsehood cannot lie, or which at least excludes all dread; but only with certainty secundum quid, moral and conjectural. This is against the Lutherans and Calvinists asserting that each Christian is bound to believe that he was justified, and that men are justified by this faith alone. It is also against certain Catholics, among whom Catharinus contends that a man can be certain he has grace with absolute certainty — indeed not immediately of faith, but through theological discourse; Vega, with moral certainty which excludes all dread, such as is certainty about the existence of the city of Rome.

2 Ibid., a. 5, c.

> Resp.[2] *Seclusa speciali revelatione, nemo potest esse certus se esse in gratia certitudine absoluta, cui non possit subesse falsum, aut saltem quae excludat omnem formidinem ; sed solum certitudine secundum quid, morali et conjecturali. Est contra Lutheranos et Calvinistas asserentes unumquemque christianum credere teneri se fuisse justificatum, et hac sola fide homines justificari. Est etiam contra quosdam catholicos, inter quos Catharinus contendit hominem posse esse certum se habere gratiam certitudine absoluta, non quidem fidei immediate, sed mediante discursu theologico ; Vega vero certitudine morali quae omnem excludat formidinem, qualis est certitudo de existentia urbis Romae.*
>
> 2 *Ibid., a. 5, c.*

33 The first part is *proved*. 1° From Holy Scripture. *Eccles.*, IX, 1:

> Probatur *prima pars. 1° Ex S. Scriptura.* Eccles.*, IX, 1 :*

34 There are just men and wise, and their works are in the hand of God; and yet man knoweth not whether he be worthy of love or hatred. *Eccli.*, V, 3: *Be not without fear about sin forgiven. I Cor.*, IV, 4: *I am not conscious to myself of any thing, but yet I am not hereby justified; but he that judgeth me, is the Lord.* Paul says this of himself, who certainly was then just.

Sunt justi atque sapientes, et opera eorum in manu Dei ; et tamen nescit homo utrum amore an odio dignus sit. Eccli., *V, 3 :* De propitiato peccato noli esse sine metu. I Cor., *IV, 4 :* Nihil mihi conscius sum, sed non in hoc justificatus sum ; qui autem judicat me, Dominus est. *Hoc de seipso dicit Paulus, qui tunc certe justus erat.*

35 2° From the council of Trent, sess. VI, cap. 9: « Although it is necessary to believe that sins neither are remitted nor ever were remitted, except gratuitously by divine mercy for Christ's sake; yet must it not be said that sins are forgiven or have been forgiven to anyone who boasts of his confidence and certainty of the remission of his sins, and rests on that alone... But neither must this be asserted, that they who are truly justified ought to settle within themselves without any doubt whatever that they are justified, and that no one is absolved from sins and justified but he who believes with certainty that he is absolved and justified, and that by this faith alone absolution and justification are perfected: as if he who believes not this doubted of the promises of God and of the efficacy of the death and resurrection of Christ. For, as no pious person ought to doubt of the mercy of God, of the merit of Christ, and of the virtue and efficacy of the sacraments; so each one, while he regards himself and his own weakness and indisposition, may fear and tremble concerning his own grace, since no one can know with the certainty of faith, which cannot be subject to error, that he has obtained the grace of God. » By this decree the aforesaid errors are refuted.

2° Ex concilio Trid., sess. VI, cap. 9 : « Quamvis necessarium sit credere, neque remitti neque remissa unquam fuisse peccata, nisi gratis, divina misericordia, propter Christum ; nemini tamen fiduciam et certitudinem remissionis peccatorum suorum jactanti, et in ea sola quiescenti, peccata dimitti vel dimissa esse dicendum est... Sed neque illud asserendum est, oportere eos qui vere justificati sunt, absque ulla omnino dubitatione apud semetipsos statuere se esse justificatos, neminemque a peccatis absolvi ac justificari, nisi eum qui certo credat se absolutum et justificatum esse, atque hac sola fide absolutionem et justificationem perfici : quasi qui hoc non credit, de Dei promissis deque mortis et resurrectione Christi efficacia dubitet. Nam, sicut nemo pius de Dei misericordia, de Christi merito, deque sacramentorum virtute et efficacia dubitare debet ; sic quilibet, dum seipsum suamque propriam infirmitatem et indispositionem respicit, de sua gratia formidare et timere potest, cum nullus scire valeat certitudine fidei, cui non potest subesse falsum, se gratiam Dei esse consecutum. » Hoc decreto supradicti errores conficiuntur.

36 3° By reason from St. Thomas. After demonstrating here q. 112, a. 3, c. that this cannot be certainly known except by revelation, if perchance it be present, he adds in what manner the same cannot be known: « In another way man knows something by himself, and this with certitude. And thus no one can know that he has grace. For certitude cannot be had of anything unless it can be judged by its proper principle; for thus certitude is had of demonstrative conclusions through indemonstrable universal principles. But no one could know that he had knowledge of any conclusion if he were ignorant of the principle. Now the principle and object of grace is God himself, who on account of his excellence is unknown to us... And therefore his presence in us and absence cannot be known with certitude, according to that, *Job*, IX, 11: *If he shall come to me, I shall not see him; if he depart, I shall not understand.* And therefore man cannot judge with certitude whether he himself has grace, according to that, *I Cor.*, IV, 3 and 4: *But neither do I judge my own self... But he that judgeth me, is the Lord.* »

3° Ratione ex S. Thoma. Postquam hic q. 112, a. 3, c. demonstravit hoc certo sciri non posse nisi per revelationem, si forte adsit, addit secundum modum quo idem sciri nequit : « Alio modo homo cognoscit aliquid per seipsum, et hoc certitudinaliter. Et sic nullus potest scire se habere gratiam. Certitudo enim non potest haberi de aliquo, nisi possit dijudicari per proprium principium ; sic enim certitudo habetur de conclusionibus demonstrativis per indemonstrabilia universalia principia. Nullus autem posset scire se habere scientiam alicujus conclusionis, si principium ignoraret. Principium autem gratiae et objectum ejus est ipse Deus, qui propter sui excellentiam est nobis ignotus... Et ideo ejus

praesentia in nobis et absentia per certitudinem cognosci non potest, secundum illud, Job*, IX, 11 :* Si venerit ad me, non videbo eum ; si autem abierit, non intelligam. *Et ideo homo non potest per certitudinem dijudicare utrum ipse habeat gratiam, secundum illud,* I Cor.*, IV, 3 et 4 :* Sed neque meipsum judico... Qui autem judicat me, Dominus est. »

37 The second part is *proved*. That a man can know with certainty secundum quid, moral and conjectural, from signs and indications, that he is in grace, no one denies. What these signs and indications are the Angelic Doctor explains in the same place: « In a third way something is known conjecturally through certain signs. And in this way anyone can know that he has grace, insofar namely as he perceives himself to delight in God and to despise worldly things, and insofar as man is not conscious to himself of any mortal sin. According to which mode can be understood what is had *Apocal.*, II, 17: *To him that overcometh I will give the hidden manna,... which no man knoweth, but he that receiveth it;* namely because he who receives it knows by a certain experience of sweetness, which he experiences not who does not receive it. This knowledge nevertheless is imperfect. Whence the Apostle says, *I Cor.*, IV, 4: *I am not conscious to myself of any thing, but yet I am not hereby justified;* because, as is said in *Psal.* XVIII, 13 and 14: *Who can understand sins? From secret ones,* etc. »

Probatur *secunda pars. Hominem posse scire certo certitudine secundum quid, morali et conjecturali, ex signis et indiciis, se esse in gratia, nemo negat. Quae vero sint haec signa et indicia explicat Angelicus, ibidem : « Tertio modo cognoscitur aliquid conjecturaliter per aliqua signa. Et hoc modo aliquis cognoscere potest se habere gratiam, in quantum scilicet percipit se delectari in Deo et contemnere res mundanas, et in quantum homo non est conscius sibi alicujus peccati mortalis. Secundum quem modum potest intelligi quod habetur* Apocal.*, II, 17 :* Vincenti dabo manna absconditum,... quod nemo novit, nisi qui accipit ; *quia scilicet ille qui accipit, per quamdam experientiam dulcedinis novit, quam non experitur ille qui non accipit. Ista tamen cognitio imperfecta est. Unde Apostolus dicit,* I Cor.*, IV, 4 :* Nihil mihi conscius sum, sed non in hoc justificatus sum ; *quia, ut dicitur in* Psal. *XVIII, 13 et 14 :* Delicta quis intelligit ? Ab occultis, *etc.* »

38 Even the sweet disposition of divine providence persuades that, as man ought not to have all manner of certainty of his own justice, lest he be carried away into pride and presumption; so congruously he ought to have moral and conjectural certainty, lest he be tortured by perpetual disturbance of soul, but between fear and hope work out his salvation.

Suadet etiam suavis divina providentiae dispositio ut, quemadmodum non oportuit ut homo omnimodam suae justitiae certitudinem haberet, ne in superbiam et praesumptionem efferretur ; ita congruebat ut moralem et conjecturalem certitudinem haberet, ne perpetua animi turbatione cruciaretur, sed inter timorem et spem salutem suam operaretur.

DISSERTATION V

DISSERTATIO V

ON THE JUSTIFICATION OF THE SINNER

DE JUSTIFICATIONE PECCATORIS

3 St. Thomas, q. 113.

S. Thomas, q. 113.

4 There are two effects of grace, namely the justification of the sinner and the merit of the just. Of the first we shall speak in this dissertation, of the second in the following.

Duo sunt effectus gratiae, scilicet justificatio peccatoris et meritum justi. De primo in hac dissert., de secundo in sequenti dicemus.

Whether in the justification of the ungodly sins are truly destroyed and taken away, and not only covered?

1 **I say**: In the justification of a sinner his sins are not only covered, or not imputed, but are truly remitted, blotted out and taken away. This is against the Lutherans and Calvinists.

***Dico** : In justificatione peccatoris ejus peccata non solum teguntur, seu non imputantur, sed vere remittuntur, delentur et auferuntur. Est contra Lutheranos et Calvinistas.*

2 *It is proved* 1° in the most formal terms of Scripture. *Psal.* L, 3: *Blot out my iniquity.* And 11: *Blot out all my iniquities. Isa.*, XLIII, 25: *I am he that blots out thy iniquities for my sake. Osee*, XIV, 3: *Take away all iniquity. Michaeae*, VII, 18: *What God is like to thee, who takes away iniquity? Joann.*, I, 29: *Behold the Lamb of God, behold him who takes away the sin of the world.*

Probatur *1° formalissimis terminis Scripturae.* Psal. *L, 3 :* Dele iniquitatem meam. *Et 11 :* Omnes iniquitates meas dele. Isa.*, XLIII, 25 :* Ego sum ipse qui deleo iniquitates tuas propter me. Osee*, XIV, 3 :* Omnem aufer iniquitatem. Michaeae*, VII, 18 :* Quis Deus similis tui, qui aufers iniquitatem ? Joann.*, I, 29 :* Ecce Agnus Dei, ecce qui tollit peccatum mundi.

3 *It is proved* 2° by other terms of Scripture. Man is inwardly stained and defiled by sin, as we said of sins, and all agree. But, according to Scripture, man in his justification is cleansed, washed, purged and sanctified from his sins. *Psal.* L, 9: *Thou shalt wash me, and I shall be whiter than snow. Ezech.*, XXXVI, 25: *I will pour upon you clean water, and you shall be cleansed from all your filthiness. I Joann.*, I, 7: *The blood of Jesus Christ, his Son, cleanses us from all sin.* But if sins be only covered, it is said falsely that man is cleansed, washed, purged from them, etc.

Probatur *2° aliis terminis Scripturae. Homo per peccatum interius maculatur et inquinatur, ut diximus de peccatis, et omnes conveniunt. Atqui, juxta Scripturam, homo in sua justificatione a peccatis mundatur, lavatur, purgatur et*

sanctificatur. Psal. *L, 9 :* Lavabis me, et super nivem dealbabor. Ezech., *XXXVI, 25 :* Effundam super vos aquam mundam, et mundabimini ab omnibus inquinamentis vestris. I Joann., *I, 7 :* Sanguis Jesu Christi, Fili ejus, emundat nos ab omni peccato. *Si autem peccata solum tegantur, falso dicitur homo ab iis mundari, lavari, purgari, etc.*

4 For who would say that a man stained with filth is clean and washed, because he covers the filth with a cloak?

Quis enim dicat hominem sordibus inquinatum, esse mundum et ablutum, quia sordes pallio tegit ?

5 [It is proved 3° from the council of Trent, session V, canon 5, where it is said: « If anyone denies that by the grace of our Lord Jesus Christ which is conferred in baptism the guilt of original sin is remitted; or even asserts that the whole of that which has the true and proper nature of sin is not taken away, but says that it is only erased or not imputed; let him be anathema. » And in session VI, chapter 7, it is taught that « justification is not only the remission of sins, but also the sanctification and renewal of the interior man through the voluntary reception of grace and gifts: whence man becomes just from unjust, and friend from enemy. » Moreover this renewal of the interior man cannot consist in the fact that sin is only erased and not imputed, because then sin would truly remain in the soul, which would not be renewed from within, and man would not be truly just, but would be held as just only extrinsically, nor could he become the friend of God.]

[Probatur 3° ex concilio Trid., sess. V, can. 5, ubi dicitur : « Si quis per Jesu Christi Domini nostri gratiam quae in baptismate confertur, reatum originalis peccati remitti negat ; aut etiam asserit non tolli totum id quod veram et propriam peccati rationem habet, sed illud dicit tantum radi aut non imputari ; anathema sit. » Et sess. VI, cap. 7, docetur quod « justificatio non est sola peccatorum remissio, sed et sanctificatio et renovatio interioris hominis per voluntariam susceptionem gratiae et donorum : unde homo ex injusto fit justus, et ex inimico amicus. » Porro haec renovatio interioris hominis non potest consistere in eo quod peccatum radatur tantum et non imputetur, quia tunc peccatum revera maneret in anima, quae intrinsecus non renovaretur, et homo non esset vere justus, sed tantum extrinsece ut justus haberetur, et non posset Dei amicus fieri.]

6 *It is proved* 4° from Augustine. The holy Doctor, lib. I ad Bonif. contra duas epist. Pelag., c. 13, n. 26, answering the Pelagians who said that Catholics teach baptism does not take away crimes but erases them, and their roots remain, replies: « We say that baptism gives the pardon of all sins and takes away crimes, not erases them. » And Enarrat. II in *Psal.* XXXI, n. 9, expounding those words: *Blessed are they whose iniquities are remitted, and whose sins are covered,* on which the heretics chiefly rely, says: « Do not so understand what he said: « sins are covered, » as if they were there and alive. » Ibid. n. 12: « Let God cover the wounds; do not you. For if you wish to cover it out of shame, the physician will not cure it. Let the physician cover and cure; for the plaster covers. Under the physician's covering the wound is healed; under the covering of the wounded man the wound is concealed. » Therefore thus, according to Augustine, God covers wounds, that by covering he may heal them, like a physician who covers a wound with a plaster and heals it. Which is plainly decisive against the heretics. See other Fathers, if you please, in Bellarmine, lib. II de Justif., c. 8.

Probatur *4° ex Augustino. S. Doctor, lib. I ad Bonif. contra duas epist. Pelag., c. 13, n. 26, Pelagianis dicentibus Catholicos docere baptismum non auferre crimina, sed radere, et eorum radices remanere, respondet : « Dicimus baptisma dare omnium indulgentiam peccatorum et auferre crimina, non radere. » Et Enarrat. II in* Psal. *XXXI, n. 9, exponens illa verba :* Beati quorum remissae sunt iniquitates, et quorum tecta sunt peccata, *quibus maxime confidunt haeretici, ait : « Nec sic intelligatis quod dixit : « peccata cooperta sunt, » quasi ibi sint et vivant. » Ibid. n. 12 :*

« Deus tegat vulnera, noli tu. Nam, si tu tegere volueris erubescens, medicus non curabit. Medicus tegat et curet ; emplastro enim tegit. Sub tegmine medici sanatur vulnus, sub tegmine vulnerati celatur vulnus. » Sic igitur, juxta Augustinum, Deus tegit vulnera, ut tegendo sanet sicut medicus qui emplastro tegit vulnus et sanat. Quod plane decretorium est contra haereticos. Alios Patres vide, si lubet, apud Bellarminum, lib. II de Justif., c. 8.

7 *It is proved* 5° from absurdities. If in the justification of the impious sins remain and are only covered, and not blotted out and destroyed, it follows 1° that man will be at once just and unjust: just, because he is justified; unjust, because he remains in sin, which is essentially injustice. 2° It follows that God loves sinners as his friends, and in order to eternal beatitude, against that word of *Sap.*, XIV, 9: *To God the wicked and his wickedness are hateful.*

Probatur *5° ab absurdis. Si in justificatione impii peccata remaneant et solum tegantur, non vero deleantur et destruantur, sequitur 1° quod homo erit simul justus et injustus : justus, quia justificatur ; injustus, quia remanet in peccato, quod est essentialiter injustitia. 2° Sequitur quod Deus diligat peccatores ut amicos suos, et in ordine ad aeternam beatitudinem, contra illud* Sap., *XIV, 9 :* Odio sunt Deo impius et impietas ejus.

Whether for the remission of sin, which is the justification of the ungodly, an infusion of grace is required?

1 **I say** : The remission of sins, which is the justification of the sinner, does not take place by extrinsic imputation of the justice by which God is just, or of the justice of Christ, but by true and intrinsic justice, or the infusion of habitual grace[1]. It is matter of faith again decided against the Lutherans and Calvinists in concil. Trid., session VI, canon 11.

1 Here q. 113, a. 2, c.

***Dico** : Remissio peccatorum, qua est justificatio peccatoris, non fit per imputationem extrinsecam justitiae qua Deus justus est, aut justitiae Christi, sed per veram et intrinsecam justitiam, seu gratiae habitualis infusionem[1]. Est de fide iterum contra Lutheranos et Calvinistas decisa in concil. Trid., sess. VI, can. 11.*

1 Hic q. 113, a. 2, c.

2 [There it is read: « If anyone shall say that men are justified either by the sole imputation of the justice of Christ, or by the sole remission of sins, to the exclusion of grace and charity which is poured forth in their hearts through the Holy Spirit and inheres in them, or even that the grace by which we are justified is only the favor of God ; let him be anathema. »]

[Ibi legitur : « Si quis dixerit homines justificari vel sola imputatione justitiae Christi, vel sola peccatorum remissione, exclusa gratia et charitate quae in cordibus eorum per Spiritum sanctum diffundatur atque illis inhaereat, aut etiam gratiam qua justificamur esse tantum favorem Dei ; anathema sit. »]

3 It is proved 1° from the Scriptures of the preceding art., prob. 2ª, cited above, in which the sinner is said to be washed, cleansed, renewed, sanctified; for no one can be washed, cleansed, renewed, sanctified, except by something intrinsic whereby he be denominated and be such.

Probatur *1° ex Scripturis art. praecedenti, prob. 2ª, laudatis, quibus peccator dicitur lavari, purgari, renovari, sanctificari ; nemo enim potest esse lotus, purgatus, renovatus, sanctificatus, nisi per aliquid intrinsecum quo denominetur et sit talis.*

4 2° Scripture frequently says we have in us grace, charity and justice whereby we are just. *Joann.*, I, 16 : *Of his fulness we all have received, and grace for grace. Rom.*, I, 5 : *By whom we have received grace. Ephes.*,

IV, 7 : *To every one of us is given grace according to the measure of the giving of Christ. Rom.*, V, 5 : *The charity of God is poured forth in our hearts by the Holy Spirit, who is given to us.*

> *2° Scriptura frequenter dicit nos habere in nobis gra tiam, charitatem et justitiam qua justi sumus.* Joann.*, I, 16 :* De plenitudine ejus nos omnes accepimus, et gratiam pro gratia. Rom.*, I, 5 :* Per quem accepimus gratiam. Ephes.*, IV, 7 :* Unicuique nostrum data est gratia secundum mensuram donationis Christi. Rom.*, V, 5 :* Charitas Dei diffusa est in cordibus nostris per Spiritum sanctum, qui datus est nobis.

5 3° The justification of the sinner is an effect of the love of God[1]. But love is not only affective but effective, making the beloved object intrinsically pleasing and just, as we proved above dissert. IV, a. 1.

1 Ibid.

> *3° Justificatio peccatoris est effectus dilectionis Dei[1]. Atqui dilectio non est affectiva tantum, sed effectiva, efficiens objectum dilectum intrinsece gratum et justum, ut probavimus supra dissert. IV, a. 1.*
>
> *1 Ibid.*

6 4° The formal cause is distinguished from the efficient. But the justice of Christ is the efficient cause of our justice. Therefore it is not its formal cause.

> *4° Causa formalis distinguitur ab efficiente. Atqui justitia Christi est causa efficiens nostrae justitiae. Ergo non est ejus causa formalis.*

7 It is confirmed. Our justice now grows, now diminishes. But the justice of God and Christ is always equal. Therefore.

> Confirmatur. *Nostra justitia modo crescit, modo minuitur. Atqui justitia Dei et Christi est semper aequalis. Ergo.*

8 They object here Scripture passages attributing to us the justice of Christ. *Rom.*, V, 19 : *By the obedience of one many are constituted just.* And again, 18 : *By the justice of one, unto all men unto justification of life. I Cor.*, I, 30, Christ is said to be made our justice and sanctification.

> *Objiciunt hic Scriptura loca tribuentia nobis justitiam Christi.* Rom.*, V, 19 :* Per unius obedientiam justi constituuntur multi. *Et iterum, 18 :* Per unius justitiam, in omnes homines in justificationem vitae. I Cor.*, I, 30, Christus dicitur factus justitia et sanctificatio nostra.*

9 *I answer.* these things and similar ones are not to be understood in the formal sense, but causal, inasmuch as Christ is the efficient and meritorious cause of our justification; in which sense he is called our wisdom in the same place; *Joann.*, XI, 25, the resurrection and the life. And *Deuter.*, XXX, 20, he is called the life of men and the length of days.

> Resp. *haec et similia non intelligenda esse in sensu formali, sed causali, quatenus Christus est causa efficiens et meritoria justificationis nostrae ; quo sensu ibid. dicitur sapientia nostra ;* Joann.*, XI, 25, resurrectio et vita. Et* Deuter.*, XXX, 20, dicitur vita hominum et longitudo dierum.*

10 [*You will ask* whether, by the absolute power of God, sin and grace can be together in the same subject.

> *[*Petes *utrum, de potentia Dei absoluta, peccatum et gratia possint esse simul in eodem subjecto.*

11 *I answer.* Sin, both actual and habitual, and grace cannot be together in the same subject, even by the absolute power of God.

Resp. *Peccatum, tam actuale quam habituale, et gratia non possunt, etiam de potentia Dei absoluta, esse simul in eodem subjecto.*

12 It is proved. Sanctifying grace, from its essence and reason, is justice, holiness and rectitude, whose primary and formal effect is to make him to whom it is given just, holy and right. Sin on the contrary, from its essential reason, is iniquity, uncleanness, recession from rectitude and from subjection toward divine law. But there cannot stand, even by the absolute power of God, justice with injustice, holiness with iniquity and uncleanness, rectitude with recession from rectitude. Therefore grace and sin cannot be together in the same subject.

Probatur. *Gratia sanctificans, ex sua essentia et ratione, est justitia, sanctitas et rectitudo, cujus primarius et formalis effectus est efficere eum cui datur justum, sanctum et rectum. Peccatum e contra, ex essentiali sua ratione est iniquitas, immunditia, recessus a rectitudine et a subjectione erga legem divinam. Atqui stare non potest, etiam de potentia Dei absoluta, justitia cum injustitia, sanctitas cum iniquitate et immunditia, rectitudo cum recessu a rectitudine. Ergo gratia et peccatum non possunt esse simul in eodem subjecto.*

13 It is confirmed. Contrary formal effects cannot be together in the same subject, because they are incompossible. But the effects of sanctifying grace and the effect of sin are contrary, and therefore incompossible. Therefore.

Confirmatur. *Effectus formales contrarii non possunt esse simul in eodem subjecto, quia sunt incompossibiles. Atqui effectus gratiae sanctificantis et effectus peccati sunt contrarii, et ideo incompossibiles. Ergo.*

14 *Note* for the solution of objections. Sin does not expel grace physically, in this sense that by a positive form it destroys grace by acting physically upon it. But it expels it physically, that is, from its nature, by withdrawing from it the subject and introducing a form or disposition incompossible with grace. For iniquity, the casting off of the friendship of God, recession from God, death of the soul, etc., physically, that is from their nature, expel justice, holiness, friendship of God, life of the soul.]

Nota *pro solutione objectionum. Peccatum non expellit gratiam physice, hoc sensu quod per formam positivam destruat gratiam agendo physice in illam. Expellit autem eam physice, id est, ex natura sua, subtrahendo ei subjectum et introducendo formam seu dispositionem incompossibilem cum gratia. Iniquitas enim, abjectio amicitiae Dei, recessus a Deo, mors animae, etc., physice, hoc est ex natura sua, expellunt justitiam, sanctitatem, amicitiam Dei, vitam animae.]*

On the acts required for the justification of the adult sinner

1 The Council of Trid., sess. VI, cap. 6, assigns six acts by which the adult sinner ought to be disposed for justification, namely the act of faith, of fear, of hope, of the love of God, of penance or contrition, finally the resolution of receiving the sacraments instituted for the remission of sins, of beginning a new life and keeping the divine commandments ; which resolution is included in contrition itself. The principal question concerns faith required for justification, against the heretics.

Concil. Trid., sess. VI, cap. 6, sex assignat actus quibus peccator adultus debeat disponi ad justificationem, scilicet actum fidei, timoris, spei, dilectionis Dei, poenitentiae seu contritionis, tandem propositum suscipiendi sacramenta instituta ad remissionem peccatorum, inchoandi novam vitam et mandata divina servandi ; quod propositum in ipsa contritione includitur. Praecipua quaestio est de fide requisita ad justificationem, contra haereticos.

2 The Lutherans and Calvinists distinguish a twofold faith.

Lutherani et Calvinistae distinguunt duplicem fidem.

3 The first they call historical, by which we believe all things contained in the sacred writings ; we call it Christian and Catholic. The second they call of the promises, by which we believe that God has promised the remission of sins. This second they subdivide into general and particular. General they call that by which we believe God has promised remission of sins and salvation to all believers in common; special they call that by which each one believes or confidently trusts his sins to be forgiven him on account of the merits of Christ. For this faith they badly confound with confidence, which belongs to hope and to the will, not to the intellect; for confidence, according to St. Thomas, is strengthened hope.

> *Primam vocant historicam, qua credimus omnia quae in sacris litteris continentur ; nos eam dicimus christianam et catholicam. Secundam vocant promissorum, qua credimus Deum promisisse remissionem peccatorum. Hanc secundam subdividunt in generalem et particularem. Generalem vocant qua credimus Deum omnibus credentibus in communi promisisse remissionem peccatorum et salutem ; specialem vocant qua unusquisque credit vel certo confidit peccata sibi esse remissa propter merita Christi. Hanc enim fidem male confundunt cum fiducia qua ad spem et voluntatem pertinet, non ad intellectum ; est enim fiducia, ex S. Thoma, spes roborata.*

4 This faith or particular confidence therefore they contend is required for justification and that it alone justifies.

> *Hanc ergo fidem seu fiduciam particularem requiri ad justificationem et eam solam justificare contendunt.*

5 **I say** 1° : The faith required for justification is not confidence by which we believe or trust that sins are forgiven us because of Christ, but that by which we believe all truths revealed by God, on account of his authority and truth. Thus it was defined by Trid., sess. VI, can. 12.

> ***Dico** 1° : Fides requisita ad justificationem non est fiducia qua credimus seu confidimus peccata esse nobis propter Christum dimissa, sed qua credimus omnibus veritatibus a Deo revelatis, propter ejus authoritatem et veritatem. Ita definivit Trid., sess. VI, can. 12.*

6 [The tenor of this canon is : « If anyone shall have said that justifying faith is nothing else than trust in the divine mercy remitting sins because of Christ, or that it is this trust alone by which we are justified; let him be anathema. »]

> *[Hujus canonis tenor est : « Si quis dixerit, fidem justificantem nihil aliud esse quam fiduciam divinae misericordiae peccata remittentis propter Christum, vel eam fiduciam solam esse qua justificamur ; anathema sit. »]*

7 *It is proved* 1° from most open testimonies of Scripture. *Marc.* last chapter, 15 and 16 : *Preach the Gospel to every creature.* He who shall have believed, namely the Gospel and the truths contained in it, shall be saved. *Rom.* X, 8 and 9 : *This is the word which we preach; because if thou confess with thy mouth the Lord Jesus, and believe in thy heart that God hath raised him up from the dead, thou shalt be saved.* Therefore Christ and his resurrection, not only the mercy of God remitting sins, are the object of saving faith. *Joann.*, XI, 26 and 27, when the Lord had said to Martha : *I am the resurrection and the life. He who believeth in me shall not die forever.* She answers : *Yea, Lord, I have believed that thou art Christ the Son of the living God, who art come into this world.* Therefore the faith required for eternal life is to believe the divinity of the Word incarnate. John concludes thus at the last chapter of his Gospel, 31 : *These things are written, that you may believe that Jesus is the Son of the living God, and that believing you may have life in his name.* Therefore the same as before. I omit other very many testimonies of Scripture, lest I be too long.

Probatur *1° apertissimis Scripturae testimoniis*. Marc. *ultimo, 15 et 16 :* Praedicate Evangelium omni creaturae. *Qui crediderit, scilicet Evangelio et veritatibus in eo contentis, salvus erit*. Rom. *X, 8 et 9 :* Hoc est verbum quod praedicamus, quia, si confitearis in ore tuo Dominum Jesum, et in corde tuo credideris quod Deus illum suscitavit a mortuis, salvus eris. *Ergo Christus et ejus resurrectio, non sola misericordia Dei peccata remittentis, sunt objectum fidei salvantis*. Joann., *XI, 26 et 27, cum Dominus dixisset Marthae :* Ego sum resurrectio et vita. Qui credit in me, non morietur in aeternum. *Respondet illa :* Utique, Domine, ego credidi quia tu es Christus Filius Dei vivi, qui in hunc mundum venisti. *Ergo fides requisita ad vitam aeter nam, est credere divinitatem Verbi incarnati. Joannes cap. ult. sui Evangelii sic concludit, 31 :* Haec scripta sunt, ut credatis quia Jesus est Filius Dei vivi, et ut credentes vitam habeatis in nomine ipsius. *Ergo idem quod prius. Omitto alia bene multa Scripturae testimonia, ne longior sim*.

8 *It is proved* 2° from tradition. The Church, as from the beginning so now, when she requires faith from those about to be baptized, requires no other than that by which we believe the articles of faith contained in the symbols, not truly that by which we believe or confidently trust our sins to be forgiven us. For who among the Apostles, or bishops, or other ministers ever taught one coming to him for justification thus : « Believe your sins to be forgiven you, and immediately they will be forgiven. » Such doctrine would indeed be absurd and offensive to pious ears.

Probatur 2° *ex traditione. Ecclesia, ut ab initio ita nunc, cum fidem requirit a baptizandis, non aliam requirit quam illam qua credimus fidei articulis in symbolis contentis, non vero illam qua credimus seu confidimus peccata nobis esse dimissa. Quis enim unquam Apostolorum, aut episcoporum, aut caeterorum ministrorum, accedentem ad se causa justificationis, ita docuit : « Crede peccata tibi dimitti, et statim dimittentur. » Absurda sane et piarum aurium offensiva foret hujusmodi doctrina.*

9 *It is proved* 3°. Faith rests upon the authority alone of God revealing, who can neither deceive nor be deceived. But nowhere is it revealed to me or to another particularly that sins are forgiven. Therefore I cannot believe this with certain faith.

Probatur 3°. *Fides innititur sola authoritate Dei revelantis, qui nec fallere nec falli potest. Atqui nullibi revelatum est mihi aut alteri particulariter peccata esse remissa. Ergo id certa fide credere non possum.*

10 *It is proved* 4°. Justifying faith must precede justification; for it is its cause. But that faith of the heretics does not precede, but follows justification, otherwise it would be false; for false is that faith by which I believe my sins forgiven, if they are not yet truly forgiven. If you say that by this faith it is not believed that sins are forgiven, but are being forgiven here and now, there always remains that that faith is posterior to that remission, because that present remission is the object of this faith; but act neither makes nor specifies its object, but supposes it and is specified by it.

Probatur 4°. *Fides justificans praecedere debet justificationem ; est enim causa illius. Atqui fides illa haereticorum non praecedit, sed sequitur justificationem, alioquin esset falsa ; nam falsa fides est qua credo dimissa mihi esse peccata, si nondum sunt vere dimissa. Si dicas, hac fide non credi peccata esse dimissa, sed hic et nunc dimitti, semper manet quod illa fides sit posterior ista remissione, quia ista remissio praesens est objectum hujus fidei ; actus autem non facit nec specificat suum objectum, sed illud supponit et ab ipso specificatur.*

11 **I say** 2° : Neither that special faith of recent heretics, which is vain and none, nor true Christian faith alone suffices for justification.

***Dico** 2° : Neque illa fides specialis recentium haereticorum, qua vana est et nulla, neque fides vera et christiana sola sufficit ad justificationem.*

12 [Thus it was defined by Trid., sess. VI, can. 9 : « If anyone shall have said that the impious is justified by faith alone, so as to understand that nothing else is required which cooperate toward obtaining the grace of justification, and that it is in no way necessary that he be prepared and disposed by the motion of his own will; let him be anathema. »]

> *[Ita definivit Trid., sess. VI, can. 9 : « Si quis dixerit, sola fide impium justificari, ita ut intelligat nihil aliud requiri quod ad justificationis gratiam consequendam cooperetur, et nulla ex parte necesse esse eum suae voluntatis motu praeparari atque disponi ; anathema sit. »]*

13 This definition is against the Lutherans and Calvinists, whom Simon Magus had gone before, by the testimony of Irenaeus, lib. I de Haeres., c. 20, who relates that Peter, John, James and Jude wrote their epistles against this error.

> *Haec definitio est contra Lutheranos et Calvinistas, quibus praeiverat Simon Magus, teste Irenaeo, lib. I de Haeres., c. 20, qui refert Petrum, Joannem, Jacobum et Judam suas epistolas contra hunc errorem scripsisse.*

14 *It is proved* from these holy Apostles who wrote expressly against this error. St. James, I, 14 : *What shall it profit, my brethren, if anyone say he have faith, but have not works? Shall faith be able to save him?... And 17 : Faith, if it have not works, is dead in itself.* Which after he had proved with many arguments, he concludes the chapter thus, 24 and 26 : *You see that by works a man is justified, and not by faith only... For even as the body without the spirit is dead, so also faith without works is dead.* These things are peremptory, nor do they need glossing.

> Probatur *ex his SS. Apostolis qui ex professo scripserunt contra hunc errorem. S. Jacobus, I, 14 :* Quid proderit, fratres mei, si fidem quis dicat se habere, opera autem non habeat ? Numquid poterit fides salvare eum ?... Et 17 : Fides, si non habet opera, mortua est in semetipsa. *Quod postquam multis probavit, concludit caput sic, 24 et 26 :* Videtis quoniam ex operibus justificatur homo, et non ex fide tantum... Sicut enim corpus sine spiritu mortuum est, ita et fides sine operibus mortuum est. *Haec sunt peremptoria, nec indigent glossa.*

15 St. Peter, II Epist., c. 1, 10, after exhorting to various good works, concludes : *Wherefore, brethren, labor the more that by good works you make sure your calling and election.* Faith therefore does not suffice, if works be wanting.

> *S. Petrus, II Epist., c. 1, 10, postquam hortatus est ad varia bona opera, concludit :* Quapropter, fratres, magis satagite ut per bona opera certam vestram vocationem et electionem faciatis. *Fides ergo non sufficit, si desint opera.*

16 These things are so open against the present error that the heretics denied these epistles to be canonical, which nevertheless the Church acknowledges as canonical in several councils, lastly in Trident., sess. IV.

> *Haec tam sunt aperta contra praesentem errorem, ut haeretici negaverint has epistolas esse canonicas, quas tamen pro canonicis agnoscit Ecclesia in pluribus conciliis, ultimo in Trident., sess. IV.*

17 But also openly St. Paul, in whom the innovators badly confide, combats this error. I Cor., XII, 2 : *If, he says, I should have all faith, so that I could move mountains, and have not charity, I am nothing.* Galat., V, 6 : *In Christ Jesus neither circumcision availeth anything, nor uncircumcision, but faith that worketh by charity.* Rom., II, 3 : *Not the hearers of the law are just before God, but the doers of the law shall be justified.*

> *Sed et aperte S. Paulus, cui male confidunt novatores, hunc errorem debellat. I Cor., XII, 2 :* Si, inquit, habuero omnem fidem, ita ut montes transferam, charitatem autem non habuero, nihil sum. *Galat., V, 6 :* In

Christo Jesu neque circumcisio aliquid valet, neque praeputium, sed fides quae per charitatem operatur. *Rom., II, 3 :* Non auditores legis justi sunt apud Deum, sed factores legis justificabuntur.

18 Finally Christ everywhere in the Gospel commends good works as necessary for justification and salvation. Matth., V, 16 : *So let your light shine before men, that they may see your good works, and glorify your Father who is in heaven.* And below, 20 : *Unless your justice abound more than that of scribes and pharisees, you shall not enter into the kingdom of heaven.* And cap. VII, 19 : *Every tree that bringeth not forth good fruit shall be cut down and cast into the fire. Cap. XIX, 16 and 17, to him asking : *What good shall I do, that I may have life everlasting?* He says not : « Only believe ; » but : *If thou wilt enter into life, keep the commandments.* And finally cap. XXVIII, 19 and 20, he not only admonishes the Apostles to preach faith and baptize, but also wills that they teach to keep all things whatsoever he commanded.

Tandem Christus in Evangelio ubique commendat bona opera ut necessaria ad justificationem et salutem. Matth., V, 16 : Sic luceat lux vestra coram hominibus, ut videant opera vestra bona, et glorificent Patrem vestrum qui in coelis est. *Et infra, 20 :* Nisi abundaverit justitia vestra plusquam scribarum et pharisaeorum, non intrabitis in regnum coelorum. *Et cap. VII, 19 : *Omnis arbor quae non facit fructum bonum, excidetur et in ignem mittetur. Cap. XIX, 16 et 17, interroganti :* Quid boni faciam, ut habeam vitam aeternam ? *Non ait : « Crede tantum ; » sed :* Si vis ad vitam ingredi, serva mandata. *Et denique cap. XXVIII, 19 et 20, non solum monet Apostolos ut fidem praedicent et baptizent, sed etiam vult ut doceant servare omnia quae ipse mandavit.*

19 Now certain heretics answer, oppressed by these testimonies, that the faith which they say suffices for justification is not faith alone, but faith joined with good works, not indeed that these good works cooperate toward justification, but because they accompany justifying faith like its signs, or as properties and fruits following from it. Whence they say that by the foregoing testimonies of Scripture those are condemned who formerly said that dead faith alone, void of good works, suffices for salvation; but not those who attribute this indeed to faith alone, but to living faith, active and attended by good works.

Respondent nunc quidam haeretici, his testimoniis oppressi, fidem quam dicunt sufficere ad justificationem, non esse fidem solam, sed fidem junctam bonis operibus, non quidem quod haec bona opera cooperentur ad justificationem, sed quia comitantur fidem justificantem velut ejus signa, vel ut proprietates et fructus ex ea sequentes. Unde dicunt, prefatis Scripturae testimoniis damnari eos qui olim dicebant solam fidem mortuam et bonis operibus vacuam sufficere ad salutem ; at non eos qui id tribuunt quidem soli fidei, sed fidei vivae, activae et bonis operibus stipatae.

20 *On the contrary* 1°. This response, varnished and devised for softening the horror of this monstrous error, openly fights with the principles of the heretics. For they teach : 1° that man, while justified through faith, is not truly made just, but only reputed, nor any of his works good, but all mortal sins, although they are not imputed to him because of Christ. With what face then do they say that not faith alone, but faith joined with good works justifies, since according to them there exist no good works? 2° They teach that man once justified through faith cannot fall from justice by any crime. So Calvin, lib. III Institut., cap. 2, § 11, and Luther in Sermon upon these words : *So God loved,* etc., excepting only incredulity. And thus once justified through faith, although he become thief, homicide, adulterer, sodomite, he remains just. Therefore faith justifies without good works, nay with evil and most evil ones; which is the ancient heresy condemned in the Scriptures. Whence Luther, on cap. 11 ad Galat., expressly says : « Faith without and before charity justifies. » And tom. I disput. : whether works justify ? proposit. 3, he says : « Faith, unless it be without even the lesser

works, does not justify, nay it is not faith. » And therefore the stricter Lutherans ingenuously confess that good works are in no way required for justifying faith.

> Sed contra *1°. Haec responsio fucata et ad emolliendum horrorem immanis hujus erroris excogitata, aperte pugnat cum principiis haereticorum. Nam illi docent : 1° hominem, dum per fidem justificatur, non vere fieri justum, sed reputari tantum, nec ulla ejus opera esse bona, sed omnia esse peccata mortalia, quamvis ei non imputentur propter Christum. Qua fronte ergo dicunt, non solam fidem, sed fidem junctam bonis operibus justificare, cum secundum illos nulla sint bona opera ? 2° Docent hominem semel per fidem justificatum, nullo flagitio a justitia excidere posse. Ita Calvinus, lib. III Institut., cap. 2, § 11, et Lutherus in Serm. super haec verba :* Sic Deus dilexit, *etc., excipiens tantum incredulitatem. Sicque semel justificatus per fidem, quamvis fiat fur, homicida, adulter, sodomita, remanet justus. Ergo fides justificat sine bonis operibus, imo cum malis et pessimis ; quod est antiqua haeresis in Scripturis damnata. Unde Lutherus, in cap. 11 ad Galat., expresse dicit : « Fides sine et ante charitatem justificat. » Et tom. I disput. : an opera justificent ? proposit. 3, ait : « Fides, nisi sit sine ullis etiam minoribus operibus, non justificat, imo non est fides. » Et ideo rigidiores Lutherani ingenue fatentur, bona opera nullatenus requiri ad fidem justificantem.*

21 *Against* 2°. Scripture attributes no less to good works the office of justifying and saving than to faith, as appears from the places cited and many others. Therefore, if faith cooperates toward justification, so also works.

> Contra 2°. *Scriptura non minus tribuit munus justificandi et salvandi bonis operibus, quam fidei, ut patet ex locis citatis et aliis pluribus. Ergo, si fides cooperetur justificationi, ita et opera.*

22 The heretics argue especially from the Apostle, who, as it seems to them, is wholly intent upon asserting that faith suffices for justification without works. Rom., II, 28, he says : *We conclude a man to be justified by faith, without the works of the law.* Ibid., IV, 2 : *If Abraham were justified by works, he hath glory, but not before God.* Galat., II, 16 : *Knowing that man is not justified by the works of the law.* Philipp., III, 9 : *That I may be found in him, not having my justice, which is of the law, but that which is of faith.*

> *Arguunt praecipue haeretici ex Apostolo, qui, ut ipsis videtur, totus est ut asserat ad justificationem sufficere fidem sine operibus. Rom., II, 28, ait :* Arbitramur justificari hominem per fidem, sine operibus legis. *Ibid., IV, 2 :* Si Abraham ex operibus justificatus est, habet gloriam, sed non apud Deum. *Galat., II, 16 :* Scientes quod non justificatur homo ex operibus legis. *Philipp., III, 9 :* Ut inveniar in illo, non habens meam justitiam, quae ex lege est, sed eam quae est ex fide.

23 *I answer* 1°. Suppose the Apostle taught that faith without any works suffices for justification, this would by no means profit the heretics ; because the Apostle understands Christian and Catholic faith, by which we believe the divinity of the Word incarnate, his resurrection and other mysteries contained in the Scriptures, not truly that ridiculous faith or confidence by which heretics believe their sins forgiven them.

> Resp. *1°. Esto Apostolus doceret, fidem sine ullis operibus sufficere ad justificationem, id nullatenus prodesset haereticis ; quia Apostolus intelligit fidem christianam et catholicam, qua credimus divinitatem Verbi incarnati, ejus resurrectionem et alia mysteria in Scripturis contenta, non vero illam fidem ridiculam seu fiduciam qua haeretici credunt peccata sibi esse dimissa.*

24 *I answer* 2°. The Apostle excludes only works which either precede faith or, after faith is had, are done without the grace of faith, that is, works which proceed from the powers alone of nature and free will, such as were certain honest works of natural justice. So Augustine (?) de Libero arb., c. 7, n. 18 : « Men, he says, not understanding what the Apostle himself says : We conclude a man to be

justified by faith, without the works of the law, thought him to say that faith suffices for man, even though he live badly and have no good works. Far be it that the vessel of election so thought ! »

> Resp. 2°. *Apostolum solum excludere opera quae vel ante fidem vel post habitam fidem, sed sine fidei gratia fiunt, id est, opera quae ex solis viribus naturae et liberi arbitrii procedunt, qualia erant quaedam honesta justitiae naturae. Ita Augustinus (?) de Libero arb., c. 7, n. 18 : « Homines, inquit, non intelligentes quod ait ipse Apostolus : Arbitramur justificari hominem per fidem, sine operibus legis, putaverunt eum dicere, sufficere homini fidem, etiamsi male vivat et bona opera non habeat. Quod absit ut sentiret vas electionis ! »*

25 *You press on.* Abraham and the Galatians were already reborn and worked from faith, at that time of which the Apostle speaks. Nevertheless he excludes their works. Therefore.

> Instas. *Abraham et Galatae jam renati erant et operabantur ex fide, eo tempore de quo loquitur Apostolus. Attamen tur ex fide, eo tempore de quo loquitur Apostolus. Attamen excludit eorum opera. Ergo.*

26 *I answer.* Given the major, I deny the minor. That he excludes their works which were done from the grace of faith, *I deny*; that they were done before faith, or which after faith was had were not done from the grace of faith, *I concede*. For nothing hinders that he who has faith sometimes fail to work from faith, as while he sins or performs a morally good work without relation to God.

> Resp. *Data maj., dist. min. Excludit eorum opera quae fiebant ex gratia fidei,* nego *; qua facta fuerant ante fidem, vel quae post fidem habitam non fiebant ex gratia fidei,* conc. *Nihil obstat enim quod qui habet fidem, aliquando non operetur ex fide, ut dum peccat aut facit opus morale bonum sine relatione ad Deum.*

27 To the other arguments which heretics object, take the following general solutions. The first is : justification is attributed to faith as its beginning and root, yet not excluding other works disposing toward it. So Trid., sess. VI, cap. 8[1]. The second : there must be understood living faith, which worketh through charity, as the Apostle speaks ad Galat., V, 6. Third : by faith are sometimes understood those things which are contained in the Gospel or evangelical doctrine, doing those things which according to this doctrine are to be done. Fourth : when works are excluded, must be understood works done before faith or without the grace of faith, not truly works which are done from the grace of faith itself, as I explained above ; or works of the Mosaic law, or external works, when that power of executing them is wanting.

1 We said at the beginning of the preceding article, from the council of Trid., sess. VI, « But whereas the Apostle says that man is justified by faith and freely, those words are to be understood in that sense which the perpetual consent of the Catholic Church held and expressed : namely that we are therefore said to be justified by faith, because faith is the beginning of human salvation, the foundation and root of all justification, without which it is impossible to please God and to come to the fellowship of his children; but we are said to be justified freely, because nothing of those things which precede justification, whether faith or works, merits the grace itself of justification; for if it be grace, now it is not of works : otherwise, as the same Apostle says, grace is no more grace. »

> *Ad alia argumenta quae objiciunt haeretici, accipe sequentes generales solutiones. Prima est : justificatio fidei tribuitur tamquam ejus initio et radici, non tamen excludendo alia opera ad eam disponentia. Ita Trid., sess. VI, cap. 8[1]. Secunda : intelligenda est fides viva, quae per charitatem operatur, ut loquitur Apostolus ad Galat., V, 6. Tertia : per fidem aliquando intelliguntur ea quae in Evangelio seu doctrina evangelica continentur, faciendo ea quae secundum hanc doctrinam sunt facienda. Quarta : quando excluduntur opera, intelligenda sunt opera ante fidem vel sine fidei gratia facta, non vero opera quae ex ipsa fidei gratia fiunt, ut explicui supra ; vel opera legis Mosaica, vel opera externa, quando deest potentia illa exsequendi.*

[1] *Diximus initio articuli praeced., ex concilio Trid., sess. VI, « Cum vero Apostolus dicit, justificari hominem per fidem et gratis, ea verba in eo sensu intelligenda sunt quem perpetuus Ecclesiae catholicae consensus tenuit et expressit : ut scilicet per fidem ideo justificari dicamur, quia fides est humanae salutis initium, fundamentum et radix omnis justificationis, sine qua impossibile est placere Deo et ad filiorum ejus consortium pervenire ; gratis autem justificari dicamur, quia nihil eorum quae justificationem praecedunt, sive fides, sive opera, ipsam justificationis gratiam promeretur ; si enim gratia est, jam non ex operibus : alioquin, ut idem Apostolus inquit, gratia jam non est gratia. »*

Article IV

[1] *On the other acts required for the justification of adults.* Chapter 6 teaches that, besides faith, five other acts are required on the part of the sinner for his justification, namely, the act of fear, of hope, of the love of God, of contrition, and the resolve to receive the sacraments instituted for the remission of sins and to keep the divine commandments. Now these acts are deduced thus. Faith, enlightening the mind of the sinner, sets before him, on the one hand, the divine justice reserving punishments for him, on the other, the divine mercy offering him pardon. Thence there arises in his will the fear of divine justice, then hope or confidence of obtaining pardon. Hope is followed by the incipient love of God as of the fountain of all justice; for from this very fact that God, merciful, offers pardon to the sinner who fears punishment, not only is hope stirred up, but also love of so great a goodness, at least incipient, concerning whose necessity for justification, together with the sacrament of penance, there was a celebrated controversy to be settled in its place.

De aliis actibus ad justificationem adulti requisitis. *cap. 6, praeter fidem, quinque alios actus requiri ex parte peccatoris ad sui justificationem, scilicet, actum timoris, spei, dilectionis Dei, contritionis, et propositum suscipiendi sacramenta ad remissionem peccatorum instituta et mandata divina servandi. Hi autem actus sic deducuntur. Fides illustrans mentem peccatoris exhibet ei, hinc divinam justitiam ipsi poenas reservantem, illinc divinam misericordiam illi veniam offerentem. Inde exsurgit in ejus voluntate timor divinae justitiae, deinde spes seu fiducia veniae obtinendae. Spem sequitur inchoata dilectio Dei ut totius justitiae fontis ; ex hoc enim quod Deus misericors peccatori poenam timenti offert veniam, non solum spes excitatur, sed etiam tantae bonitatis amor, saltem inchoatus, de cujus necessitate ad justificationem cum poenitentiae sacramento celebris fuit controversia suo loco dirimenda.*

[2] From faith, hope and incipient love of God is born the detestation of sin; because this very fact that the sinner knows that punishments are reserved for his sins, and from this fact that he begins to love God as prepared to forgive them to him, he is moved to hatred of sin, as harmful to himself and offensive to the divine goodness. This hatred is called contrition, perfect indeed, if sin displeases principally as offensive to God; imperfect, if sin displeases principally as harmful to the sinner.

Ex fide, spe et inchoata dilectione Dei nascitur peccati detestatio ; quia hoc ipso quod peccator novit reservari peccatis suis poenas, et ex hoc quod Deum ea sibi condonare paratum diligere incipit, movetur odio in peccatum, ut sibi nocivum et divinae bonitatis offensivum. Hoc autem odium contritio dicitur, perfecta quidem, si peccatum displiceat principaliter ut Dei offensivum ; imperfecta, si principaliter displiceat peccatum ut nocivum peccatori.

[3] This contrition has necessarily attached to it the resolve of beginning a new life and keeping the divine commandments; for there is not in anyone sincere sorrow for sins unless he sincerely wills henceforth to avoid them.

Haec autem contritio habet necessario adjunctum propositum novam vitam inchoandi et mandata divina servandi ; non enim est in aliquo sincerus dolor de peccatis, nisi sincere velit ea deinceps vitare.

[4] *You will ask* from what effective principle proceed the acts of contrition and charity which ultimately dispose to habitual grace.

Petes *a quo principio effective procedant actus contritionis et charitatis qui ultimo disponunt ad gratiam habitualem.*

5 *I answer.* Theologians differ among themselves in this part. Some say that these further dispositions toward habitual grace are effectively from the actual transient help communicated.

Resp. *Dissentire in hac parte inter se theologos. Quidam dicunt has ulteriores ad gratiam habitualem dispositiones esse effective ab auxilio actuali transeunter communicato.*

6 So, among the Thomists, John of St. Thomas, Sylvius, Contenson, with many outsiders. Some assert that they are effectively from habitual grace itself. So Gonet, Serra and others. The third opinion, which strives to reconcile both, holds that these acts ultimately disposing to justification are effectively from the infused virtue of charity and penance, communicated not permanently by way of habit, but transiently by way of actual help and motion. Whence grace by way of help precedes those acts, which grace by way of habit follows, although all these things take place in the same real instant. So Fr. Goudin. Whoever wishes to weigh the merits of these opinions should seek them in our Billuart, in his more ample Summa. Besides, it seems to matter little which appears preferable to each one.]

Ita ex thomistis Joannes a S. Thoma, Sylvius, Contenson, cum pluribus extraneis. Quidam asserunt eas esse effective ab ipsa gratia habituali. Ita Gonet, Serra et alii. Tertia sententia, quae utramque conciliare nititur, tenet hos actus ultimo disponentes ad justificationem esse effective a virtute charitatis infusae et poenitentiae, non permanenter per modum habitus, sed transeunter per modum actualis auxilii et motionis communicata. Unde gratia per modum auxilii praevenit illos actus, quos sequitur gratia per modum habitus, licet haec omnia fiant in eodem instanti reali. Ita P. Goudin. Qui perpendere vult harum sententiarum momenta, ea requirat apud nostrum Billuart, in sua fusiori Summa. De caetero, non magni referre videtur quanam cuique potior appareat.]

Certain little questions in completion of St. Thomas's question briefly resolved

1 *You will ask* 1° whether the justification of the impious takes place in an instant.

Petes *1° utrum justificatio impii fiat in instanti.*

2 *I answer.* 1°. The justification of the impious, taken for the infusion of grace and the remission of sins, takes place in an instant[1] ; because that a form be produced successively arises from this, that either the subject is not in ultimate disposition, or because the agent, since it is of finite power, needs time to overcome the resistance of the subject and introduce the form. But here we suppose the ultimate disposition, since we speak of the justification of the impious as it means simply the infusion of grace; and besides, since God requires no disposition except what he himself makes, he can effect it in the instant in which he produces grace itself, as he did in Paul; and since he is of infinite power, he does not need time to overcome the resistance of the subject. Therefore.

1 Here q. 113, a. 7, c.

Resp. *1°. Justificatio impii sumpta pro infusione gratiae et remissione peccatorum, fit in instanti*[1] *; quia quod forma successive producatur, provenit ex hoc quod vel subjectum non sit in ultima dispositione, vel quia agens, cum sit finitae virtutis, indiget tempore ut vincat resistentiam subjecti et formam introducat. Atqui hic supponimus ultimam dispositionem, cum sit sermo de justificatione impii prout dicit simpliciter infusionem gratiae, et aliunde, cum Deus nullam requirat dispositionem nisi quam ipse facit, potest eam efficere in instanti quo producit ipsam gratiam, sicut fecit in Paulo, et cum sit infinita virtutis, non indiget tempore ut vincat resistentiam subjecti. Ergo.*

1 Hic q. 113, a. 7, c.

3 *It is confirmed.* When between the extremes of a change or motion there is no medium through which one passes from one extreme to the other, the passage from one to the other takes place in an instant. But between the extremes of justification, which are grace and the privation of grace, no medium is given. Therefore.

> Confirmat. *Quando inter extrema mutationis vel motus non est medium per quod perveniatur ab uno extremo ad aliud, transitus de uno ad aliud fit in instanti. Atqui inter extrema justificationis, quae sunt gratia et gratiae privatio, non datur medium. Ergo.*

4 *I answer.* 2°. If indeed justification is taken not only for the infusion of grace, but also for the dispositions by which the sinner is prepared, although it can take place in an instant, as in Paul and Magdalene, ordinarily however it takes place successively; because these dispositions which Trident., session VI, chapters 5 and 6 require, ordinarily precede in time the infusion of grace itself.

> Resp. *2°. Si vero justificatio sumatur, non solum pro infusione gratiae, sed etiam pro dispositionibus quibus peccator praeparatur, licet possit fieri in instanti, ut in Paulo et Magdalena, ordinarie tamen fit successive ; quia istae dispositiones quas requirit Trid., sess. VI, cap. 5 et 6, ordinarie praecedunt tempore ipsam gratiae infusionem.*

5 *You will ask* 2° whether justification is the greatest work of God.

> Petes *2° utrum justificatio sit maximum opus Dei.*

6 *I answer.* 1°.[1] If justification is considered on the part of the mode of acting, creation is a greater work than justification; because the most excellent mode of acting is to make something out of nothing. If indeed justification is considered on the part of the thing produced, it is a greater work than creation; because the good to which creation terminates is the good of mutable nature, while justification terminates in the eternal and fixed good of divine participation, which now is had only in hope; glorification however terminates in the same eternal good possessed in reality. Finally, if justification is considered according to the quantity of proportion in the impious man who is justified, it is a greater work than glorification; because the gift of grace more exceeds the dignity of the impious man who was worthy of punishment, than the gift of glory the dignity of the just man, who from this very fact that he is justified is worthy of glory.

1 Ibid., a. 9, c.

> Resp. *1°.[1] Si justificatio spectetur ex parte modi agendi, creatio est majus opus quam justificatio ; quia excellentissimus modus operandi est facere aliquid ex nihilo. Si vero justificatio spectetur ex parte rei productae, est majus opus creatione ; quia bonum ad quod terminatur creatio est bonum naturae mutabilis, dum justificatio terminatur ad bonum aeternum et fixum divinae participationis, quod in spe tantum nunc habetur, glorificatio autem terminatur ad idem bonum aeternum in re possessum. Si tandem justificatio spectetur juxta quantitatem proportionis in impio qui justificatus, est majus opus quam glorificatio ; quia donum gratiae plus excedit dignitatem impii qui erat dignus poena, quam donum gloriae dignitatem justi, qui ex hoc ipso quod est justificatus, est dignus gloria.*
>
> [1] *Ibid., a. 9, c.*

7 *You will ask* 3° whether the justification of the impious is a miraculous work.

> Petes *3° utrum justificatio impii sit opus miraculosum.*

8 *I answer.* 2°.[2] The justification of the impious, as it commonly takes place, can be called marvelous; because things which can be done by divine power alone have a hidden cause, and for this reason are

marvelous. Yet justification should not properly be called miraculous, because for a miracle properly so called it does not suffice that the work can be done by God alone, but it must be beyond the common course of divine providence, as the resurrection of a dead man, the illumination of one born blind. Justification however, as it commonly takes place, is according to the common course of divine providence. For it is the common and accustomed course of justification that, God moving the soul inwardly, man be converted to God, first indeed by an imperfect conversion, so that afterwards he may arrive at a perfect one. But when God, beyond this common course, suddenly moves to a perfect one

[2] Ibid., a. 10, c.

> Resp. 2°.[2] *Justificatio impii, prout fit communiter, potest dici mirabilis ; quia quae a sola virtute divina fieri possunt, habent causam occultam, et hac ratione sunt mira. Non tamen justificatio proprie dici debet miraculosa, quia ad miraculum proprie dictum non sufficit quod a solo Deo opus fieri possit, sed debet esse praeter communem divinae providentiae cursum, ut resurrectio mortui, illuminatio caeci nati. Justificatio autem, prout fit communiter, est secundum communem divinae providentiae cursum. Est enim communis et consuetus cursus justificationis, ut, Deo movente interius animam, homo convertatur ad Deum, primo quidem conversione imperfecta, ut postmodum ad perfectam perveniat. Quando vero Deus, praeter hunc communem cursum, subito movet ad perfectam*
>
> [2] *Ibid., a. 10, c.*

On the Merit of the Just

[1] justification, as in Paul and Magdalene, then justification is rightly called miraculous.]

> *justificationem, ut Paulum et Magdalenam, tune justificatio recte dicitur miraculosa.]*

[2] St. Thomas, q. 114.

> *D. Thomas, q. 114.*

What is merit, and of how many kinds? what conditions does it require?

[1] Merit, taken broadly, signifies the dignity of a thing on account of which it demands something; and thus it suits even inanimate things: thus it is said that an elegant painting deserves to be seen, that a fertile field deserves to be cultivated. Merit, taken properly, suits acts only, and is the property of a morally good human act denoting proportion to reward; for we speak here of merit in the good part, not in the bad, which, for distinction's sake, is called demerit.

> *Meritum latius sumptum significat dignitatem rei ob quam exigit aliquid, et sic convenit etiam inanimatis : sic dicitur quod elegans pictura mereatur videri, quod ager fertilis mereatur coli. Meritum proprie sumptum convenit actibus tantum, estque proprietas actus humani moraliter boni dicens proportionem ad praemium ; loquimur enim hic de merito in bonam partem, non in malam, quod distinctionis causa dicitur demeritum.*

[2] Merit is distinguished as twofold: one de condigno, the other de congruo. Merit de condigno is an work whose value equals the value of the reward and to which the reward is rendered out of justice. Merit de congruo is an act whose value does not equal the value of the reward, and to which the reward is owed not out of justice but out of congruity only and seemliness, friendship or liberality of the rewarder.

> *Duplex distinguitur meritum, unum de condigno, alterum de congruo. Meritum de condigno est opus cujus valor aequat valorem praemii et cui redditur praemium ex justitia. Meritum de congruo est opus cujus valor non aequat valorem praemii, et cui non debetur praemium ex justitia, sed ex congruitate tantum et decentia, amicitia seu liberalitate praemiantis.*

3 Merit de condigno is properly and simply merit; merit de congruo only improperly and secundum quid, because it has no equality to that which is given on its account.

> *Meritum de condigno est proprie et simpliciter meritum, meritum de congruo improprie tantum et secundum quid, quia non habet aequalitatem ad id quod ejus intuitu datur.*

4 The example is usually placed in a generous soldier, to whom his own stipend is given de condigno, de congruo however a benefice of nobility or some donative from the king.

> *Exemplum poni solet in milite generoso, cui proprium stipendium datur de condigno, de congruo autem beneficium nobilitatis aut aliquod donativum a rege.*

5 Merit de condigno is twofold: one of the rigor of justice, another of condignity only. The first imports such equal value to the reward as excludes every grace done to the meriting person by him who rewards, and such was the merit of Christ. The other imports indeed value equal to the reward, but with some grace supposed done to the meriting person by the rewarder; and of this merit before God there is question here principally.

> *Meritum de condigno est duplex, unum de rigore justitiae, aliud de condignitate tantum. Primum sic importat valorem aequalem ad praemium, ut excludat omnem gratiam factam personae merenti a premiante, et tale fuit meritum Christi. Alterum importat quidem valorem aequalem ad praemium, sed supposita aliqua gratia facta personae merenti a praemiante, et de hoc merito apud Deum hic praecipue agitur.*

6 **§ I. — Conditions required for merit.**

> ***§ I. — Conditiones requisitae ad meritum.***

7 Six conditions are wont to be required for merit: the first, that the act be free; second, that it be good; third, that it be done in service of the rewarder; fourth, that the one operating be a wayfarer; fifth, that he be in the state of grace; sixth, that his act be ordained by God to reward.

> *Sex conditiones requiri solent ad meritum : prima, ut opus sit liberum ; secunda, ut sit bonum ; tertia, ut fiat in obsequium praemiantis ; quarta, ut operans sit viator ; quinta, ut sit in statu gratiae ; sexta, ut ejus opus sit a Deo ordinatum in praemium.*

8 The sixth condition is explained, concerning which there is some difficulty.

> *Explicatur sexta conditio, de qua est aliqua difficultas.*

9 The sixth condition is the ordination or promise and pact of God ordaining the good act to reward or recompense: not that the good act have its intrinsic value or condignity from that promise; but because beyond the dignity, which it has entirely from grace, the promise of rendering recompense is necessary, in order that he who operates well from grace may have right to the recompense, and God be bound to render it to him. So commonly against Vasquez and certain others.[1]

[1] Hic q. 114, a. 1, ad 3, et a. 2, c.

Sexta conditio est ordinatio seu promissio et pactum Dei ordinantis bonum opus ad praemium seu mercedem : non quod bonum opus valorem seu condignitatem suam intrinsecam habeat ab illa promissione ; sed quia ultra dignitatem, quam totam habet ex gratia, necessaria sit promissio de mercede reddenda, ad hoc ut qui ex gratia est bene operatus, habeat jus ad mercedem, et Deus obligetur illi reddere. Ita communiter contra Vasquez et quosdam alios.[1]

[1] *Hic q. 114, a. 1, ad 3, et a. 2, c.*

10 *It is proved* 1° From Scripture. Matth., XX: the father of the family, by whom God is signified, made an agreement with the laborer about the daily denarius. 2° [2] Thus defined Trent, sess. VI, cap. 16. 3° [3] The same teaches Augustine, serm. 158. 4° Finally it is proved by reason. Merit imports in the meriting person right to the good of the rewarder, and in the rewarder obligation to render it. Yet, howsoever good man's act be, without the promise of God it cannot produce in man right to the good of God, nor in God obligation to render it. Therefore. — *Prob.* min. From good works already otherwise owed to God, man acquires no right toward God, nor is God bound to render him any reward, unless he have promised it. Yet all goods whatsoever of man are owed to God under several other titles, namely creation, supreme dominion, ultimate end, etc. Therefore.

[2] « To those who operate well unto the end and hope in God eternal life is to be proposed, both as grace mercifully promised to the sons of God through Christ Jesus, and as a reward faithfully to be rendered out of the promise of God himself to their good works and merits. »

[3] Olim 16 de verbis Apostoli.

Probatur *1° ex Scriptura. Matth., XX, paterfamilias, per quem significatur Deus, conventionem fecit cum operario de denario diurno. 2°*[2] *Ita definivit Trid., sess. VI, cap. 16. 3°*[3] *Idem docet Augustinus, serm. 158. 4° Tandem ratione probatur. Meritum importat in merente jus ad bonum praemiantis, et in praemiante obligationem ad illud reddendum. Atqui, quantumvis sit bonum opus hominis, non potest, seclusa Dei promissione, parere in homine jus ad bonum Dei, neque in Deo obligationem ad illud reddendum. Ergo.* — Prob. *min. Ex bonis operibus jam aliunde debitis Deo, homo non acquirit jus erga Deum, nec Deus obligatur reddere illi aliquod praemium, nisi illud promiserit. Atqui omnia quaecumque bona hominis sunt debita Deo pluribus aliis titulis, puta creationis, supremi dominii, ultimi finis, etc. Ergo.*

[2] *« Bene operantibus usque ad finem et in Deo sperantibus proponenda est vita aeterna, et tamquam gratia filiis Dei per Christum Jesum misericorditer promissa, et tamquam merces ex ipsius Dei promissione bonis ipsorum operibus et meritis fideliter reddenda. »*

[3] *Olim 16 de verbis Apostoli.*

11 [There can be added a seventh condition required for merit, namely the influx of charity. For the merit whereby the essential reward is obtained is founded in charity alone, in which the perfection of life essentially consists. Consequently merit can belong to no other virtue except through the motion and command of charity toward it. Whence I Cor., XIII, 2 et 3, it is said: *If I have not charity, I am nothing, nothing profits me.*]

[Addi potest septima conditio requisita ad meritum, scilicet influxus charitatis. Meritum enim quo obtinetur praemium essentiale, fundatur in sola charitate, in qua perfectio vitae essentialiter consistit. Consequenter meritum nulli alteri virtuti competere potest, nisi ex motione et imperio charitatis ad illud. Hinc I Cor., XIII, 2 et 3, dicitur : Si charitatem non habuero, nihil sum, nihil mihi prodest.*]*

Whether man can merit anything from God?

1 **I say** : Justified man can truly and properly merit something from God, even eternal life itself.

***Dico** : Homo justificatus potest vere et proprie a Deo mereri aliquid, etiam ipsam vitam aeternam.*

[2] This is of faith, decided in various councils: Arausican II, can. 18 ; Lateranense IV, under Innocent III, cap. Firmiter ; and lastly in *Trid.*, session VI, cap. 16 and can. 32, against the Lutherans and Calvinists, who, since they contend that all works are evil, acknowledge in him no work that is meritorious at least of eternal life.

> *Est de fide decisum in variis concil. Arausicano II, can. 18 ; Lateranense IV, sub Innocentio III, cap. Firmiter ; ultimo in Trid., sess. VI, cap. 16 et can. 32, contra Lutheranos et Calvinistas, qui cum contendant omnia opera esse mala, nullum in eo agnoscunt opus quod sit meritorium saltem vita aeterna.*

[3] *It is proved* 1°. By merit we understand nothing else than a good work compared to a reward. Now Scripture everywhere proposes to us eternal life as to be rendered to the good works of the just. Therefore. — *Proof of* the minor. Matth., V, 12, it is said : *Rejoice and exult, because your reward is great in heaven.* Ibid., cap. XIX, 27-29, to Peter asking what reward there will be for one who leaves earthly things for Christ, answers

> Probatur *1°. Per meritum nihil aliud intelligimus quam bonum opus comparatum ad mercedem. Atqui Scriptura passim nobis proponit vitam aeternam bonis justorum operibus reddendam. Ergo.* — Prob. *min. Matth., V, 12, dicitur :* Gaudete et exultate, quoniam merces vestra copiosa est in coelis. *Ibid., cap. XIX, 27-29, Petro interroganti quae merces erit derelinquenti terrena pro Christo, respondet*

[4] Christ : *You shall receive a hundredfold, and shall possess life everlasting.* And chapter XX explains this by the example of the householder who gives the laborers a daily denarius as the reward of slight toil. *Hebr.*, XIII, 16 : *Do not forget beneficence and communication ; for by such sacrifices God is merited. II Tim.*, IV, 8 : *As to the rest, there is laid up for me a crown of justice, which the Lord, the just judge, will render to me in that day. Hebr.*, VI, 10 : *For God is not unjust, that he should forget your work.* And so elsewhere passim. Therefore, according to Scripture, there is promised to the good works of the just, not a reward of whatever kind, as the sectaries say, but life eternal itself ; not from mere liberality and mercy, as others say, but from justice, and therefore as merit properly so called.

> *Christus :* Centuplum accipiet, et vitam aeternam possidebit. *Et cap. XX, id explicat exemplo patrisfamilias qui in mercedem exigui laboris reddit operariis denarium diurnum. Hebr., XIII, 16 :* Beneficentiae et communionis nolite oblivisci ; talibus enim hostiis promeretur Deus. *II Tim., IV, 8 :* Reposita est mihi corona justitiae, quam reddet mihi Dominus justus judex. *Hebr., VI, 10 :* Non enim injustus Deus, ut obliviscatur operis vestri. *Et similiter passim. Ergo, juxta Scripturam, bonis justorum operibus promittitur, non qualecumque praemium, ut dicunt sectarii, sed ipsa vita aeterna ; non ex sola liberalitate et misericordia, ut dicunt alii, sed ex justitia, ideoque ut merito proprie dicto.*

[5] *It is proved* 2°. God confers on man through grace the virtue of acting well, and promises to his works done through grace a certain reward, indeed glory itself, as has been said ; all the other conditions required for merit can concur, for none is repugnant. Therefore man can merit even glory itself.

> Probatur *2°. Deus confert homini per gratiam virtutem bene operandi, et ejus operibus ex gratia factis promittit certum praemium, imo et ipsam gloriam, ut modo dictum est ; omnes aliae conditiones requisitae ad meritum possunt concurrere, nulla enim repugnat. Ergo potest homo mereri etiam ipsam gloriam.*

Whether the works of the just done from grace merit eternal life in strict desert (de condigno)?

[1] We do not understand here merit de condigno to which reward is owed out of justice. For since to the works of the just, howsoever good and wrought from grace, recompense is owed only out of ordination and acceptation of God — who could not ordain nor accept them to reward, as we said — the consequence is that the works of the just are not, in this sense, properly and intrinsically meritorious de condigno, but only extrinsically, out of divine ordination and acceptation.

> *Non intelligimus hic meritum de condigno, cui debetur praemium ex justitia. Cum enim operibus justorum, quantumvis bonis et ex gratia factis, non debeatur merces nisi ex ordinatione et acceptatione Dei, qui possit illa non ordinare nec acceptare ad praemium, ut diximus, consequens est quod opera justi non sint, hoc sensu, proprie et intrinsece meritoria de condigno, sed tantum extrinsece, ex ordinatione et acceptatione divina.*

[2] True, because condignity, as the very word sounds, denotes equal dignity between two things, condign merit denotes equal dignity of the act to the reward. Merit de condigno therefore, as here understood with the Author, is that between which and the reward there is equality of value, or that which is of so great value under the ratio of merit as the reward is under the ratio of reward. And in this sense we ask whether the good works of the just are meritorious de condigno of glory, or whether the value of the act from grace equals the excellence of glory, although elsewhere, that it be owed by God out of justice, his ordination and acceptation be required. In this sense therefore,

> *Verum, quia condignitas, ut vox ipsa sonat, dicit aequam dignitatem inter duo, meritum condignum dicit aequam dignitatem operis ad praemium. Itaque meritum de condigno, prout hic intelligimus cum Authore, est inter quod et praemium est aequalitas valoris, seu quod est tanti valoris in ratione meriti, quanti est praemium in ratione praemii. Et hoc sensu quaerimus utrum opera bona justorum sint meritoria de condigno gloriae, seu utrum valor operis ex gratia aequet excellentiam gloriae, licet aliunde, ut sit debita a Deo ex justitia, requiratur ejus ordinatio et acceptatio. Hoc ergo sensu,*

[3] **I say**: The works of the just wrought from indwelling and moving grace are properly and intrinsically meritorious de condigno of eternal life [1] .

[1] Ibid., a. 3, c.

> ***Dico** : Opera justorum ex gratia inhabitante et movente facta, sunt proprie et intrinsece meritoria de condigno vitae aeternae*[1].
>
> [1] *Ibid., a. 3, c.*

[4] *It is proved* 1° From the sacred Scriptures, wherein the just through good works are said worthy of God and eternal life. Sap., III, 5 : *God tried them, and found them worthy of himself.* Coloss., I, 10 : *That you walk worthy of God.* II Thessal., I, 4 et 5 : *So you endure all tribulations,... that you may be counted worthy of the kingdom of God.*

> Probatur *1° ex Scripturis sacris, quibus justi per opera bona dicuntur digni Deo et vita aeterna. Sap., III, 5 :* Deus tentavit illos, et invenit dignos se. *Coloss., I, 10 :* Ut ambuletis digne Deo. *II Thessal., I, 4 et 5 :* Sic omnes tribulationes sustinetis,... ut digni habeamini regno Dei.

[5] *It is proved* 2°.[2] Merit de condigno is that whose value equals the excellence of the reward. Yet the value of the works, as they are from the Holy Spirit and from indwelling and moving grace, equals the excellence of eternal life. Therefore. — *Prob.* min. 1° They are of supernatural and divine order, like glory itself. 2° Their condignity is attended both according to the virtue of the Holy Spirit, who,

Joann., IV, 14, is called the fountain of water springing up into eternal life, that is, principle of operations conducing thereto; and according to the dignity of grace, whereby man becomes partaker of the divine nature, and consequently can operate worthily of God. Therefore.

[2] Ibid.

> Probatur 2°.[2] *Meritum de condigno est cujus valor aequat excellentiam praemii. Atqui valor operum, ut sunt a Spiritu sancto et ex gratia inhabitante et movente, aequat excellentiam vitae aeternae. Ergo.* — Prob. *min. 1° Sunt ordinis supernaturalis et divini, sicut ipsa gloria. 2° Condignitas eorum attenditur tum secundum virtutem Spiritus sancti, qui Joann., IV, 14, dicitur fons aquae salientis in vitam aeternam, id est, principium operationum ad illam conducentium ; tum secundum dignitatem gratiae, qua homo fit consors naturae divinae, proindeque potest operari digne Deo. Ergo.*
>
> [2] *Ibid.*

[6] *It is confirmed.* Ephes., I, 14: grace is called the pledge of our inheritance. But a pledge is worth as much as the thing, or more, as says the Author on this passage, lect. 5. Therefore.

> Confirmatur. *Ephes., I, 14, gratia dicitur pignus haereditatis nostrae. Pignus autem valet tantum quantum valet res, aut plus, ut dicit Author in hunc locum, lect. 5. Ergo.*

[7] [*Obj.* The saying received among theologians: God rewards the just beyond condignity. Therefore.

> *[*Obj. *Effatum apud theologos receptum : Deus remunerat justos ultra condignum. Ergo.*

[8] *Resp. I deny* the consequence. That God rewards beyond condignity is not so to be understood as though the works of the just did not merit de condigno eternal life, but that beyond the degree of glory which they merit de condigno God adds something more out of his liberality; which we deny not. What however that may be, although it be not easy to explain, nevertheless it is likely that it is a certain perfection of vision or fruition of beatitude greater than the works merit.]

> Resp. *Nego consequens. Quod enim Deus remuneret ultra condignum, non sic intelligendum est, quasi opera justorum non mereantur de condigno vitam aeternam, sed quod ultra gradum gloriae quem de condigno merentur, Deus ex sua liberalitate aliquid amplius addat; quod non negamus. Quid sit autem illud, quamvis non sit facile explicare, verisimile est tamen quod sit quaedam perfectio visionis seu fruitionis beatificae major quam mereantur opera.]*

On the things that fall under merit

[1] Besides eternal life, which, as is evident from what has been said, is the principal object of merit, there are several other things concerning which it is disputed whether they fall under merit, which we undertake to discuss here.

> *Praeter vitam aeternam, quae, ut patet ex dictis, est objectum praecipuum meriti, sunt plura alia de quibus disputatur, an cadant sub merito, quae hic discutienda suscipimus.*

[2] But before all, that equivocation may be removed and certain contrary opinions about merit de congruo reconciled, it must be observed that we distinguish here with the Author, a. 6, c, a twofold merit de congruo, one proper and strict, the other broad and improper. Merit de congruo proper and strict we place in amicable right to reward, whereby it is distinguished from merit de condigno, which imports a debt of justice. Merit de congruo taken broadly and improperly we place in the exigency of form by way of disposition or impetration.

> *Sed ante omnia, ut tollatur aequivocatio et quaedam opiniones contraria circa meritum de congruo concilientur, observandum est, nos distinguere ex Authore hic a. 6, c, duplex meritum de congruo, unum proprium et strictum,*

alterum latum et improprium. Meritum de congruo proprium et strictum reponimus in jure amicabili ad premium, per quod distinguitur a merito de condigno, quod importat debitum justitiae. Meritum de congruo late et improprie sumptum reponimus in exigentia formae per modum dispositionis aut impetrationis.

3 *You will ask* 1° whether man can merit for himself first grace.

Petes *1° utrum homo possit sibi mereri primam gratiam.*

4 *I answer.* No one can merit for himself habitual first grace, neither de condigno, nor de congruo proper, but only improper [1].

1 Ibid., a. 5, c.

Resp. *Nemo potest sibi mereri primam gratiam habitualem, neque de condigno, neque de congruo proprio, sed improprio tantum* [1].

1 Ibid., a. 5, c.

5 I said, « first habitual grace, » because about actual grace no Catholic doubts. For so it was defined against the Pelagians, which definition the Tridentine renewed, sess. VI, chapter 5, and it is evident from what we said above that no one can by the forces of nature dispose himself even to that first actual grace [2]

2 « God touching the heart of man through the illumination of the Holy Spirit, nor does man himself do nothing at all,

Dixi, « primam gratiam habitualem, » quia de actuali nullus catholicus dubitat. Ita quippe definitum est contra Pelagianos, quam definitionem innovavit Trid., sess. VI, cap. 5, et patet ex his quae supra diximus, nullum ex viribus naturae nequidem posse se disponere ad illam primam gratiam actualem[2].

2 « Tangente Deo cor hominis per Spiritus sancti illuminationem, neque homo ipse nihil omnino agit,

6 by the forces of nature he cannot indeed dispose himself to that first actual grace.

viribus naturae nequidem posse se disponere ad illam primam gratiam actualem.

7 *The first part is proved,* which also seems of faith, 1° from Scripture. *Rom.*, I, 24 : *Being justified freely by his grace.* And from the Council of Trent, sess. VI, chapter 8, where expounding the aforesaid words of the Apostle, it says: « We are said to be justified freely, because none of those things which precede justification, whether faith or works, merits the very grace of justification. »

Probatur *prima pars, quae etiam videtur de fide, 1° ex Scriptura.* Rom., *I, 24 :* Justificati gratis per gratiam. *Et ex concil. Trid., sess. VI, cap. 8, ubi exponens praedicta Apostoli verba, dicit : « Gratis justificari ideo dicimur, quia nihil eorum quae justificationem praecedunt, sive fides, sive opera, ipsam justificationis gratiam promeretur. »*

8 2° The principle of merit cannot fall under merit, as we shall show below. But first grace is the principle of merit. Therefore.

2° Principium meriti non potest cadere sub merito, ut p. m. ostendemus. Atqui prima gratia est principium meriti. Ergo.

9 *The second part is proved.* Merit de congruo properly taken consists, as we said, in amicable right to reward; whence there is required for it not only congruity of the work, but also of the one working, namely that he be acceptable to the rewarder, not hostile to him, nor unworthy of his benefits; such nevertheless is man in the state of sin before justification. Therefore.

> Probatur *secunda pars. Meritum de congruo proprie sumptum consistit, ut diximus, in jure amicabili ad praemium; unde ad illud requiritur, non solum congruitas operis, sed etiam operantis, ut scilicet sit gratus praemianti, non illi infensus, nec ejus beneficiis indignus, qualis est tamen homo in statu peccati ante justificationem. Ergo.*

10 The third part stands; because the good works preceding justification and the prayers of the sinner humbled and penitent exact grace by way of disposition and impetration, wherein we place merit de congruo broadly taken.

> *Tertia pars constat; quia opera bona praecedentia justificationem et orationes peccatoris humiliati et poenitentis, exigunt gratiam per modum dispositionis et impetrationis, in quo reponimus meritum de congruo late sumptum.*

11 *You will ask* 2° whether the just man can merit first grace for another.

> Petes *2° utrum justus possit alteri mereri primam gratiam.*

12 *I answer.* No one, besides Christ, can merit for another first grace de condigno, yet well de congruo.

> Resp. *Nullus, praeter Christum, potest alteri mereri primam gratiam de condigno, bene tamen de congruo.*

13 *The first part is proved.* Our work has the account of merit de condigno from the force of the motion of divine grace; and thus the just man properly merits de condigno only those things to which the motion of divine grace extends. But grace conferred on the mere man is particular, and moves him to receive that inspiration, since he can both cast away and receive it; yet without the grace of God he cannot move himself by his own free will toward justice before him. » — 1. Ibid., a. 6, o. — 2. Ibid.

> Probatur *prima pars. Opus nostrum habet rationem meriti de condigno ex vi motionis divinae gratiae, et sic homo justus ea tantum proprie et de condigno meretur, ad quae se extendit motio divinae gratiae. Atqui gratia puro homini collata est particularis, ipsumque movet ad inspirationem illam recipiendam, quippe qui illam et abjicere potest ; ut voluntate possit inspirationem illam recipere, quippe qui illam et abjicere potest; neque tamen sine gratia Dei movere se ad justitiam coram illo libera sua voluntate potest. » — 1. Ibid., a. 6, o. — 2. Ibid.*

14 his own perfection and salvation, not truly that he sanctify others; for that is proper to the grace of head and universal, such as was in Christ, which according to the present providence is granted to no particular just man. Therefore.

> *propriam perfectionem et salutem, non vero ut alios sanctificet ; id namque proprium est gratiae capitis et universalis, qualis fuit in Christo, quae secundum praesentem providentiam nulli particulari justo conceditur. Ergo.*

15 *The second part is proved*; because, since man constituted in grace, acceptable and friendly to God, fulfills his will, it is congruous, according to the proportion of friendship, that God fulfill the will of man in the salvation of another, provided however no impediment of excessive obstinacy or other on the part of him whose salvation the holy one desires be present.

> Probatur *secunda pars; quia, cum homo in gratia constitutus, Deo gratus et amicus, impleat ejus voluntatem, congruum est, secundum amicitiae proportionem, ut Deus impleat voluntatem hominis in salvatione alterius, modo tamen non adsit impedimentum nimiae obstinationis aut aliud ex parte illius cujus aliquis sanctus justificationem desiderat.*

16 *You will ask* 3° whether the just man can merit reparation after falling for himself.

> Petes *3° utrum justus possit sibi mereri reparationem post lapsum.*

17 *I answer.* No one can merit for himself reparation after falling, neither by merit of condignity, nor by merit of congruity properly so called.

Resp. *Nullus potest sibi mereri reparationem post lapsum, neque merito condigni, neque merito congrui proprie.*

18 *The first part is proved.* Merit de condigno depends upon the motion of divine grace, and therefore does not extend beyond it. But that motion is interrupted by sin, and thus does not extend to benefits posterior to sin. Therefore.

Probatur *prima pars. Meritum de condigno dependet ex motione divinae gratiae, ideoque non se extendit ultra illam. Atqui ista motio interrumpitur per peccatum, sicque non se extendit ad beneficia peccato posteriora. Ergo.*

19 *It is confirmed* 1°. All the merits which the just man acquired for himself are suspended and impeded by subsequent sin. Therefore this sin cannot be removed by the force of those merits, nor consequently can fallen man be repaired.

Confirmatur *1°. Omnia merita quae justus sibi comparavit, suspenduntur et impediuntur per peccatum sequens. Ergo hoc peccatum vi istorum meritorum non potest tolli, nec per consequens homo lapsus reparari.*

20 *It is confirmed* 2°. The just man could not merit that an unworthy one be rewarded. But fallen man is unworthy. Therefore.

Confirmatur *2°. Homo justus non potuit mereri ut praemium contereretur indigno. Atqui homo lapsus est indignus. Ergo.*

21 *It is confirmed* 3°. If the just man merited de condigno reparation after falling, he would infallibly obtain it, and thus all just men would be predestined, seeing that they would be finally restored to grace. Therefore.

Confirmatur *3°. Si justus mereretur de condigno reparationem post lapsum, illam infallibiliter obtineret, sicque omnes justi essent praedestinati, utpote finaliter ad gratiam restituendi. Ergo.*

22 *The second part is proved.* Merit de congruo properly taken imports amicable right to reward, so that there be not only congruity and aptitude on the part of the work, but

Probatur *secunda pars. Meritum de congruo proprie sumptum importat jus amicabile ad praemium, ita ut non sit tantum congruitas et aptitudo ex parte operis, sed*

23 [1]

[1] Ibid., a. 3, c.

[1]

[1] Ibid., a. 3, c.

24 also of the one working. But the just man has not amicable right to reparation after falling, because through sin the friendship of God is lost, he becomes unworthy of divine benefits, and therefore every preceding merit is suspended, whether of condignity or of congruity.

etiam operantis. Atqui justus non habet jus amicabile ad reparationem post lapsum, quia per peccatum perditur Dei amicitia, fit indignus ad divina beneficia, ideoque suspenditur omne meritum praecedens, sive condigni, sive congrui.

25 What can be objected against the second part must be understood of merit of congruity improperly and broadly taken for congruity and aptitude on the part of the work, not on the part of the one working, because by sinning he lost amicable right to reparation and renders himself unworthy of divine benefits.

Quae opponi possunt contra secundam partem, intelligenda sunt de merito congrui improprie et late sumpto pro congruitate et aptitudine ex parte operis, non ex parte operantis, quia peccando amisit jus amicabile ad reparationem et se reddit indignum divinis beneficiis.

26 *You will ask* 4° whether the just man can merit for himself increase of grace or charity.

Petes *4° utrum homo justus possit sibi mereri augmentum gratiae vel charitatis.*

27 *I answer.* The just man can merit for himself de condigno increase of grace or charity [1], according to that of Augustine, *Tract.* V in Epist. Joann.: « Charity deserves to be increased, that increased it may deserve to be perfected [2] ». So it was defined under anathema by the Council of Trent, sess. VI, can. 32 [3]. And it stands from Scripture, which so often exhorts us to obtain that increase by good works, as *Ephes.*, IV, 15 [4], and elsewhere.

1 Ibid., a. 8, o.

2 Here the words are not quoted, but the sense of Augustine saying there, n. 4: « Numquid mox ut nascitur [charitas]. ».

3 « If anyone says that the good works of a justified man are so gifts of God that they are not also the good merits of the justified man himself, or that the justified man himself, by the good works which are done by him through the grace of God and the merit of Jesus Christ, of whose living member he is, does not truly merit increase of grace, eternal life, and the attainment of that eternal life itself, if however he depart in grace, and even increase of glory: let him be anathema. ».

4 *But doing the truth in charity, let us grow in him in all things, who is the head Christ.*

Resp. *Homo justus potest sibi mereri de condigno augmentum gratiae vel charitatis [1], juxta illud Augustini,* Tract. *V in Epist. Joann. : « Charitas meretur augeri, ut aucta mereatur perfici [2] Ita definivit sub anathemate concil. Trid., sess. VI, can. 32 [3]. Et constat ex Scriptura, quae toties nos hortatur ad illud augmentum per bona opera consequendum, ut* Ephes.*, IV, 15 [4], et alibi.*

1 *Ibid., a. 8, o.*

2 *Hic non referuntur verba, sed sensus Augustini ibi dicentis, n. 4 : « Numquid mox ut nascitur [charitas]. »*

3 *« Si quis dixerit, hominis justificati bona opera ita esse dona Dei, ut non sint etiam bona ipsius justificati merita, aut ipsum justificatum bonis operibus quae ab eo per Dei gratiam et Jesu Christi meritum, cujus vivum membrum est, fiunt, non vere mereri augmentum gratiae, vitam aeternam, et ipsius vitae aeternae, si tamen in gratia decesserit, consecutionem, atque etiam gloriae augmentum; anathema sit. ».*

4 Veritatem autem facientes in charitate, crescamus in illo per omnia, qui est caput Christus.

28 *The reason is* [5], because that falls under merit de condigno to which the motion of God extends; but the motion of any mover extends not only to the ultimate term of motion, but to the whole progress in motion. But the term of the motion of grace is eternal life, but progress in this motion is according to increase of grace or charity, according to that *Prov.*, IV, 18 : *The path of the just as a shining light goes forth, and grows even to the perfect day,* which is the day of glory. Therefore.

5 Where above, a. 8, c.

Ratio est [5]*, quia illud sub merito condigni cadit, ad quod motio Dei se extendit; motio autem alicujus moventis non solum se extendit ad ultimum terminum motus, sed ad totum progressum in motu. Atqui terminus motus gratiae est vita aeterna, progressus vero in hoc motu est secundum augmentum gratiae vel charitatis, secundum illud* Prov.*, IV, 18 :* Justorum semita quasi lux splendens procedit, et crescit usque ad perfectum diem, *qui est dies gloriae. Ergo.*

5 *Ubi supra, a. 8, c.*

29 *You will ask* 5° whether man can merit for himself the gift of final perseverance.

> Petes *5° utrum homo possit sibi mereri donum perseverantiae finalis.*

30 *I answer.* No one can merit for himself de condigno the gift of perseverance. So commonly with the Author [1].

1 Ibid., a. 9, c.

> Resp. *Nemo potest sibi mereri de condigno perseverantiae finalis donum. Ita communiter cum Authore [1].*
>
> *1 Ibid., a. 9, c.*

31 *It is proved* 1° from the principle of the Author received by all [2]. The principle of merit does not fall under the merit of the work proceeding from that very principle; for nothing can be its own merit and reward, cause and effect. But if the gift of perseverance fell under merit, the principle of merit would fall under the merit of the work proceeding from the very principle. Therefore. — *Proof of minor.* The gift of perseverance consists in the divine conserving motion of the first grace given. But divine motion, as conserving grace, is the principle of merit, or holds itself on the part of principle. Therefore. — *Proof of minor.* Divine motion, as conserving grace, is the same entitatively as the first production of grace; for conservation of a thing is continued production of the same thing; consequently the conserving action of a thing is not entitatively distinguished from its first production, the Author saying, Ia p., q. 104, a. 1, ad 4: « Conservation of things by God is not through some new action, but through continuation of the action which gives being; which action indeed is without motion and time: just as also conservation of light in the air is through continued influx from the sun. » But the first production of grace is the principle of merit, or holds itself on the part of principle. And so, just as no one can merit his conservation, because conservation is not an action distinct from creation, which does not fall under merit; so no one can merit perseverance in good, because it is nothing else than conservation of grace, which is not

2 Ibid.

> Probatur *1° ex principio Authoris ab omnibus recepto [2]. Principium meriti non cadit sub merito operis ab ipso principio procedentis; nihil enim potest esse sui ipsius meritum et praemium, causa et effectus. Atqui, si perseverantiae donum caderet sub merito, principium meriti caderet sub merito operis ab ipso principio procedentis. Ergo.* — Prob. min. *Donum perseverantiae consistit in divina motione conservativa gratiae primae datae. Atqui motio divina, ut conservativa gratiae, est principium meriti, seu se tenet ex parte principii. Ergo.* — Prob. min. *Motio divina, ut conservativa gratiae, est eadem entitative ac prima productio gratiae; conservatio enim rei est continuata ejusdem rei productio, consequenter actio conservativa rei non distinguitur entitative a prima ejus productione, dicente Authore 1a p., q. 104, a. 1, ad 4 : « Conservatio rerum a Deo non est per aliquam novam actionem, sed per continuationem actionis quae dat esse; quae quidem actio est sine motu et tempore : sicut etiam conservatio luminis in aere est per continuatum influxum a sole. » Atqui prima productio gratiae est principium meriti, seu se tenet ex parte principii. Itaque, sicut nemo potest mereri suam conservationem, quia conservatio non est actio distincta a creatione, quae non cadit sub merito; ita nemo potest mereri perseverantiam in bono, quia nihil est aliud quam gratiae conservatio, quae non*
>
> *2 Ibid.*

32 [1] — [2]

1 Ibid., a. 9, c.

2 Ibid.

[1] — [2]

[1] *Ibid., a. 9, c.*

[2] *Ibid.*

33 distinguished from its first production, which does not fall under merit, as was proved above.

distinguitur a prima ejus productione, quae non cadit sub merito, ut probatum est supra.

34 *It is proved* 2°. Whatever anyone merits de condigno, that he obtains from God infallibly, unless impeded through sin. If therefore perseverance fell under merit, since scarcely anyone is just who has not meritorious works, scarcely anyone would be who had not the gift of perseverance, against that *Matth.*, XX, 16 : *Many are called, few are chosen.*

Probatur 2°. *Omne quod quis meretur de condigno, illud a Deo obtinet infallibiliter, nisi impediatur per peccatum. Si ergo perseverantia caderet sub merito, cum vix ullus justus sit qui non habeat opera meritoria, vix ullus esset qui non haberet donum perseverantiae, contra illud* Matth.*, XX, 16 :* Multi vocati, pauci electi.

35 *It is proved* 3°. For merit de condigno is required the promise of God, or pact of rendering reward for the work. But God nowhere promised perseverance to those working well; nay rather Scripture cries out that even the just ought to work their salvation with fear and trembling, *Philipp.*, II, 12, and that he who stands ought to be solicitous lest he fall, I *Cor.*, X, 12. Therefore.

Probatur 3°. *Ad meritum de condigno requiritur promissio Dei, seu pactum reddendi mercedem pro opere. Atqui Deus nullibi promisit perseverantiam bene operantibus, quin e contra clamat Scriptura, etiam justos debere cum metu et tremore operari suam salutem,* Philipp.*, II, 12, et eum qui stat debere esse sollicitum ne cadat, I* Cor.*, X, 12. Ergo.*

36 There remains therefore that the gift of perseverance falls under merit de congruo only [1]. Some say de congruo proper; others de congruo broadly taken for impetration from the liberality and benignity of God.

[1] Ibid., in arg. Sed contra.

Restat ergo donum perseverantiae cadere sub merito de congruo tantum [1]. Quidam dicunt de congruo proprie, alii de congruo late sumpto pro impetratione ex liberalitate et benignitate Dei.

[1] *Ibid., in arg. Sed contra.*

37 [1]

[1] Ibid., in arg. Sed contra.

[1]

[1] *Ibid., in arg. Sed contra.*

APPENDIX

ON THE DISSERTATIONS ON MIDDLE KNOWLEDGE, GRATUITOUS PREDESTINATION

AND GRACE PER SE EFFICACIOUS.

APPENDIX

AD DISSERTATIONES DE SCIENTIA MEDIA, DE GRATUITA PRAeDESTINATIONE ET DE GRATIA PER SE EFFICACI.

39 Since our prescribed limits do not allow a complete treatise upon this matter, it will be permitted us to join only those things which might seem omitted by Billuart in solving the arguments of recent Molinists. We shall speak therefore 1° of certain facts pertaining to history, 2° of middle knowledge, 3° of gratuitous predestination, 4° finally of physical premotion.

Cum integrum tractatum super hac materia limites nobis praescripti non patiantur, ea solummodo adjungere nobis licebit, quae in argumentis recentiorum Molinistarum solvendis a Billuartio omissa videri possent. Dicemus itaque 1° de quibusdam factis ad historiam pertinentibus, 2° de scientia media, 3° de gratuita praedestinatione, 4° demum de praemotione physica.

40 **I. — ON CERTAIN HISTORICAL FACTS**

I. — DE QUIBUSDAM FACTIS HISTORICIS

41 **1° On the meeting of Cardinals held before Paul V, on the 28th of Aug. 1607 [1].**

1 Confer what has already been said of this meeting in treat. on God, dissert. VI, cap. 6, § 6.

1° De Cardinalium congressu habito coram Paulo V, die 28 aug. 1607 [1].

1 Cfr. quae de hoc congressu jam dicta sunt in trat. de Deo, dissert. VI, cap. 6, § 6.

42 There is reported to have been found a certain autograph of Paul V, in which is narrated that, of the nine assembled Cardinals, three, namely Pinellus, de Bubalis and S. Eusebii, did not open their mind on the matter in controversy; four however, namely Asculanus, de Giuri, Bianchettus and Arrigonius, stood on the side of the Dominicans; two finally, namely Bellarmine and Perronius, affirmed that the opinion of physical predetermination was of Calvin and Luther, and condemned by the Council of Trent in these words, sess. VI, chapter 5 : « Man can cast away grace. » Which things heard, Paul V pronounced thus: « In the grace of the Lord defined by the council it is necessary that free choice be moved by God; the difficulty turns upon this, whether he moves physically or morally... The opinion of the Preachers differs greatly

Refertur repertum fuisse Pauli V autographum quoddam, in quo narratur, e novem congregatis Cardinalibus tres, scilicet Pinellum, de Bubalis et S. Eusebii, non aperuisse sensum suum super re controversa; quatuor autem, scilicet Asculanum, de Giuri, Bianchettum et Arrigonium, pro Dominicanorum parte stetisse; duos demum, scilicet Bellarminum et Perronium, affirmasse opinionem praedeterminationis physicae esse Calvini et Lutheri, et damnatam fuisse a conc. Trid. his verbis, sess. VI, cap. 5 : « Homo potest abjicere gratiam. » Quibus auditis, Paulus V ita pronuntiavit : « In gratia Domini definitum a concilio necessarium esse quod liberum arbitrium moveatur a Deo; difficultatem in hoc verti, an moveat physice vel moraliter... Sententiam Praedicatorum plurimum differre

43 [1]

1 Confer what has already been said of this meeting in treat. on God, dissert. VI, cap. 6, § 6.

1

[1] *Cfr. quae de hoc congressu jam dicta sunt in trat. de Deo, dissert. VI, cap. 6, § 6.*

44 from Calvin; — for the Preachers say, grace does not destroy, but perfects free choice, and has that force that man operate according to its mode, that is freely; — but the Jesuits differ from the Pelagians, who posited the beginning of salvation to be made from us; those indeed hold altogether the contrary. Therefore, no necessity pressing that we come to definition, the business can be deferred until better counsel time shall bring.... » But when Carol. Pinellus and Bellarmine had felt that « a bull could be published, by which certain propositions, about which there is agreement between both parties, would be condemned, » the Pontiff adds, « that proposition, that a constitution should be issued whereby those things outside controversy would be declared, did not please, because neither is it necessary and it offers occasion of caviling to heretics. » Not long after this council, Paul V gave a rescript whereby the Congregations were terminated [1]

[1] Confer Gerard. Schneemann, S. J. Controversiarum de divinae gratiae liberique arbitrii concordia, pag. 287 seqq.

a Calvino; — dicunt enim Praedicatores, gratiam non destruere, sed perficere liberum arbitrium, et eam vim habere ut homo operetur juxta suum modum, id est libere; — Jesuitas autem discrepare a Pelagianis, qui initium salutis posuerunt fieri a nobis; illi vero tenent omnino contrarium. Necessitate igitur nulla urgente ut ad definitionem veniamus, posse negotium differri, dum melius consilium tempus afferat.... » Cum autem Carol. Pinellus et Bellarminus sensissent « bullam edi posse, qua certae quaedam propositiones, de quibus inter utrosque constet, condemnenur, » addit Pontifex, « propositionem illam, ut constitutio ederetur, qua declararentur ea quae extra controversiam essent, non placere, quia nec necessaria sit et cavillandi occasionem afferat haereticis. » Non multo post concilium hoc, Paulus V rescriptum dedit, quo Congregationes terminatae sunt [1].

[1] *Cfr. Gerard. Schneemann, S. J. Controversiarum de divinae gratiae liberique arbitrii concordia, pag. 287 seqq.*

45 Another autograph however was found, in which are noted those things which the Pontiff himself said to the legate of the king of Spain on this account, or certainly was about to say: « The matter was deferred for three reasons: The first is, that the matter may stand most certain, and that time is wont to teach and show the truth. The second, that both sides accord with the heads of Catholic truth, and teach that God by his efficacious grace excites us to act and makes of unwilling ones willing ones, and bends and changes the wills of men, of which there is question in this case; but they differ in mode of explaining, since the Preachers say he predetermines our wills physically, that is really and efficiently, while on the contrary the Jesuits hold that he acts congruously and morally : each of which opinions can be defended. The third is, that in these times.... much concerns it that we protect and defend the reputation and faith of either religion..... To be followed is the doctrine of conc. Trid., sess. VI, cap. 5 : free choice moved, excited, helped by divine grace, and able freely to assent and dissent; touched upon by the Con-

Aliud autem autographum repertum est, in quo notantur ea quae regis Hispaniae legato ipse Pontifex hac de causa dixit, vel certe dicturus fuit : « Rem dilatam esse ob tres rationes : Primam esse, ut res quam certissime constet, et quod tempus docere et verum ostendere soleat. Secundam, quod utraque pars congruat cum veritatis catholicae capitibus, doceatque Deum gratia sua efficacia nos ad agendum excitare et facere de nolentibus volentes, et flectere et immutare hominum voluntates, de quo in hac causa agitur; discrepent autem explicandi modo, cum Praedicatores dicant eum praedeterminare voluntates nostras physice, hoc est realiter et efficienter, contra Jesuitae teneant facere congrue et moraliter : quarum utraque sententia potest defendi. Tertiam esse, quod his temporibus.... plurimi intersit, nos existimationem fidemque utriusque religionis tueri ac defendere..... Sequendam esse doctrinam conc. Trid., sess. VI, cap.

5 : liberum arbitrium motum esse, excitatum, adjutum gratia divina, et posse libere assentire et dissentire; tactam esse a con-

46 [1]

[1] Confer Gerard. Schneemann, S. J. Controversiarum de divinae gratiae liberique arbitrii concordia, pag. 287 seqq.

[1]

[1] Cfr. Gerard. Schneemann, S. J. Controversiarum de divinae gratiae liberique arbitrii concordia, pag. 287 seqq.

47 cilium Fathers the question of the mode of divine motion, but passed over as useless and superfluous.... »

cilii Patribus quaestionem de modo motionis divinae, sed tamquam inutilem et supervacaneam praetermissam.... »

48 From these it is perspicuous: 1° that the Pontiff himself vindicated the opinion of premotion from the calumny of Bellarmine and Perronius, who seem not to have understood the nature of this motion; 2° that that doctrine of the Jesuits was judged Catholic by the same Pontiff, which teaches that God « excites us by the efficacy of his grace to act, and makes of unwilling ones willing ones, and bends and changes the wills of men. » Which doctrine indeed is not purely Molinian, but expresses the opinion of the Congruists. That it may appear more clearly it must be said

Ex his perspicuum est : 1° ipsum Pontificem vindicasse opinionem praemotionis physicae a Bellarmini et Perronii calumnia, qui naturam hujus motionis haud intellexisse videntur; 2° eam Jesuitarum doctrinam ab eodem Pontifice catholicam judicatam fuisse, quae docet Deum « gratia suae efficacia nos ad agendum excitare, et facere de volentibus volentes, et flectere et immutare hominum voluntates. » Quae quidem doctrina non est pure Moliniana, sed Congruistarum sententiam exprimit. Quod ut magis appareat, dicendum est

49 **2° On the famous decree of Cl. Aquaviva, General Prepositus of the Society of Jesus.**

2° De famoso Cl. Aquavivae, Soc. Jesu Generali Praeposito, decreto.

50 Bellarmine obtained from the General Prepositus of the Society of Jesus that he decree these things: « Since... for the good reputation of the Society among foreigners it matters greatly, especially in more grave matters, to cut off as much as possible occasions of continually devising new opinions,... it seemed to us seriously to be established and gravely commanded... that, in handing down the efficacy of divine grace, ours follow that opinion which, handed down by most writers of our Society, and in controversies concerning helps of divine grace, as more consonant with Sts. Augustine and Thomas, by judgment of the gravest Fathers, has been expounded and defended. Ours henceforth teach altogether that between that grace which actually has effect and is called efficacious, and that which they call sufficient, there is not only difference in act second, because from use of free choice, having also cooperating grace, it obtains effect, the other not so; but in the very act first, which, the knowledge of conditionals posited, from the efficacious purpose and intention of God of effecting most certainly in us good, deliberately

A Societatis Jesu Praeposito Generali obtinuit Bellarminus ut haec decerneret : « Cum... ad bonam Societatis apud exteros existimationem plurimum referat, in rebus praesertim gravioribus, nostris quantum fieri potest occasiones praescindere novas subinde opiniones excogitandi,... visum est nobis serio statuendum graviterque mandandum... ut, in tradenda divinae gratiae efficacitate, nostri eam opinionem sequantur, quae a plerisque Societatis nostrae scriptoribus tradita, ac in controversiis de auxiliis divinae gratiae, tamquam magis consentanea SS. Augustino et Thomae,

gravissimorum Patrum judicio, explicata et defensa est. Nostri in posterum omnino doceant, inter eam gratiam quae effectum reipsa habet atque efficax dicitur, et eam quam sufficientem nominant, non tantum discrimen esse in actu secundo, quia ex usu liberi arbitrii, etiam cooperantem gratiam habentis, effectum sortiatur, altera non item; sed in ipso actu primo, quod, posita scientia conditionalium, ex efficaci Dei proposito atque intentione efficiendi certissime in nobis boni, de industria

51 [1]

[1] Ibid., pag. 295.

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[1] Ibid., pag. 295.

52 else confers that same sentiment, and in that mode and time in which he sees it about to have effect infallibly, using others if he had foreseen this inefficacious. Wherefore always, morally and in the account of benefit, somewhat more is contained in act first in efficacious than in sufficient grace; and by this reason God effects that we do in reality, not only because he gives grace whereby we can do. The same must be said of perseverance. »

apse ea medea sentit, atque eo modo et tempore confert, quo videt effectum infallibiliter habituram, aliis usurus, si haec inefficacia praevidisset. Quare semper, moraliter et in ratione beneficii, plus aliquid in efficaci, quam in sufficienti gratia est, in actu primo contineri; atque hac ratione efficere Deum ut reipsa faciamus, non tantum quia dat gratiam qua facere possimus. Quod idem dicendum est de perseverantia. »

53 By whose words of the Prepositus it is established beyond controversy: 1° what mode of efficacy the Jesuits attributed to and defended for grace before the congregations, and consequently of which opinion of the Jesuits Paul V wrote; 2° that that mode is not the one Molina teaches, but the one peculiar to the Congruists. For against some wishing to confound Molinism and Congruism, while many however justly and deservedly protest, thus speaks a recent Molinian author of the work Bannez et Molina [1], pag. 127 et seqq. : « In vain labor those who try to show that Molina and Suarez taught the same thing... It stands that after this decree pure Molinism was no longer received and handed down among us, but everywhere in our schools Congruism reigned, an opinion indeed intricate, placed in the middle between Molinism and Thomism, agreeing with the former in saving free choice, yielding to the other in the absolute account of every good act and of predestination to glory being assigned in the antecedent decree. »

[1] Parisiis, Oudin, 1883.

Cujus Praepositi verbis extra controversiam constituitur : 1° quem efficaciae modum Jesuitae gratiae tribuerint ac defenderint coram congregationibus, proindeque de quannam Jesuitarum opinione Paulus V scripserit; 2° eum modum non esse quem docet Molina, sed eum qui Congruistarum peculiaris est. Nam adversus nonnullos volentes Molinismum et Congruismum confundere, multis tamen jure meritoque reclamantibus, ita loquitur recens author Molinianus operis Bannez et Molina [1], pag. 127 et seqq. : « In vanum laborant qui Molinam et Suarezium eadem docuisse ostendere conantur... Constat post hoc decretum non amplius apud nos receptum ac traditum fuisse purum Molinismum, sed ubique, nostris in scholis, Congruismum regnasse, opinionem quidem intricatam, in medio Molinismi et Thomismi positam, priori consentientem in libero arbitrio salvando, alteri cedentem in absoluta ratione omnis actus boni praedestinationisque ad gloriam assignanda in decreto antecedenti. »

[1] Parisiis, Oudin, 1883.

54 Which things being so, it is manifest that pure Molinists have no right to appeal to the autographs and rescript of Paul V; for by these Congruism alone, Aquaviva testifying, is said not contrary to Catholic doctrine, and seemed more consonant with Sts. Augustine and Thomas to the gravest Fathers of the Society. What therefore of the doctrine of Molina? was it not abandoned? was it not therefore routed? Were perhaps those Molinian propositions, which Bellarmine himself thought could be condemned by apostolic constitution in the council of 28 aug. 1607?

> *Quae cum ita sint, manifestum est jus non habere puros Molinistas ad Pauli V autographa rescriptumque appellandi; nam per haec solus utique Congruismus, Aquaviva teste, doctrinae catholicae non contrarius dictus est, et SS. Augustino et Thoma magis consentaneus gravissimis Societatis Patribus visus est. Quid igitur de Molinae doctrina? nonne derelicta fuit? nonne igitur profligata? Nonne fortassis molinianae erant propositiones istae, quas apostolica constitutione damnari posse ipse Bellarminus in concilio 28 aug. 1607 opinatus est?*

55 [1]

1 Parisiis, Oudin, 1883.

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> *1 Parisiis, Oudin, 1883.*

56 **3° On the disputation held in the Tridentine Council upon physical premotion.**

> ***3° De disputatione in concilio Tridentino habita super physica praemotione.***

57 It is circulated that certain theologians in the Council of Trent, in some congress preceding session VI, raised the question of physical premotion, and that they suffered repulse from the other Fathers and theologians, and were vehemently attacked by the illustrious brother Dominic Soto, of the Order of Preachers. Whence it appears that the opinion of physical premotion was rejected by the Fathers of the council.

> *Circumfertur quosdam in conc. Trid. theologos, in aliquo congressu ad sess. VI praevio, quaestionem movisse de praemotione physica, eosque a caeteris Patribus et theologis repulsam passos esse, vehementerque impugnatos ab illustr. fratre Dominico Soto, Ordinis Praedicatorum. Unde apparet, physicae praemotionis opinionem a concilii Patribus reprobatam fuisse.*

58 But Dominic Soto himself, in his book on Nature and Grace which, at the request of the Tridentine Fathers, he wrote against Lutherans and Calvinists, thus speaks [1] : « Lutherans play comedies against the kingdom of free choice, wherein they teach that man, « like an inanimate instrument or brute beast, » is so disposed while he is justified. Nay there are even among Catholics whom we have heard asserting this dogma with living voice, defending it against our protests, namely that God draws us to himself with a certain force and necessity, so that in our conversion we have ourselves merely passive and receptive. Concerning which therefore the sacred synod pronounced in session VI. » From these, in my judgment, it is most evident what should be thought of the fable wickedly spread abroad against Thomists. For Thomists teach that free choice moved by God does not hold itself merely passive, but truly and properly acts.

1 Lib. I, cap. 15.

> *Ipse autem Dominicus Soto, in suo libro de Natura et Gratia quem, Patribus Tridentinis petentibus, adversus Lutheranos et Calvinistas scripsit, sic loquitur [1] : « Lutherani contra regnum liberi arbitrii comoedias ludunt, quibus docent « sicut*

inanime organum aut brutum pecus, » sic hominem se habere, dum justificatur. Quin etiam sunt inter catholicos quos viva voce dogma hoc asserentes, nobisque reclamantibus, defensantes audivimus, puta quod Deus quadam nos vi et necessitate ad se pertrahat, ita ut in nostra conversione nos mere habeamus passive et receptive. De quo ideirco sacra synodus sess. VI pronuntiavit. » Ex his, meo judicio, evidentissimum est quid sentiendum sit de fabula adversus thomistas maligne vulgata. Docent enim thomistae, liberum arbitrium a Deo motum non mere passive se habere, sed vere et proprie agere.

[1] *Lib. I, cap. 15.*

59 But that there may appear how great is this calumny, I shall briefly relate what Dominic Soto himself answers to a certain Molinian arguing against Thomists. For he was present at those prior congresses and at session VI; he knew therefore excellently what sense the Fathers wished to express and define. This he has [2] : « In the same way is diluted the argument which the Lutherans use everywhere as their Achilles. If, when God moves us either to good or to evil, it be in our power not to be moved, the motion of God would not be efficacious, and accordingly would not even be omnipotent. With which argument they per-

[2] Lib. I, cap. 16.

Ut autem appareat quanta sit haec calumnia, breviter referam quid ipse Dominicus Soto alicui moliniano in thomistas argumento respondeat. Interfuit enim ille congressibus praeviis et sessioni VI; noverat igitur apprime quem sensum Patres exprimere definireque voluerint. Haec habet [2] : « Eodem pacto diluitur argumentum quo Lutherani velut Achille passim utuntur. Si, quando Deus vel ad bonum vel ad malum nos movet, in nostra esset potestate non moveri, motio Dei non esset efficax, atque adeo usque non esset omnipotens. Quo argumento persua-

[2] *Lib. I, cap. 16.*

60 [1] — [2]

[1] Lib. I, cap. 15.

[2] Lib. I, cap. 16.

[1] — [2]

[1] Lib. I, cap. 15.

[2] Lib. I, cap. 16.

61 suade themselves, as often as God moves us, that he infers necessity upon us. Their inference however is of no force. (Mark that Soto indeed does not deny the principle, namely that God moves us efficaciously, but only the inference of the Lutherans. So Thomists; on the contrary Molinians.) That God moves us freely fights nothing against his omnipotence and efficacy; nay thence more ampliously appears his infinite virtue and wisdom, that he instituted other causes to move naturally, and others freely, and to concur with each in its proper mode... (Behold the very exposition of the Thomists.) But something moreover remains to be explained. Either we are free in actions of this kind before the moment of time in which God moves us, or with the motion of God present: not before, because without him moving we cannot be moved; nor when he actually moves us, because it does not stand that he moves us without our being moved together: for to move and be moved are correlatives, as action and passion. » Is this not the Achilles of the Molinians against premotion of Thomists? Let attention then be given to the answer of Dominic Soto, theologian most illustrious of Trent: « It is not doubtful, he says, but that the concourse of God, although it accompany, as they say,

action, is nevertheless required of every second cause in order to act, yea truly by nature prerequisite, since not only is God the cause of the effect of the second cause, but he himself also moves it to act. (Is not this the physical premotion of Thomists? physical motion, intrinsically cause, prior by nature to act, according to that of St. Thomas [1] : « Motio moventis praecedit motum mobilis ratione et causa. ») But, although that concourse be prerequisite, nevertheless, it posited, it also is in the faculty of the will to act and cease.... The solution therefore of the doubt is, that at that moment of time in which God concurs with me, I am free to refuse then to act. For, while he moves freely, I can in the divided sense not act, and then the concourse of God will cease; although in the composed sense they fight mutually against each other, God acting toward me with that action, and my not acting. » Is this not the most famous tho-

[1] III Contra gentes, cap. 149.

> *dent sibi, quoties nos Deus movet, necessitatem nobis inferre. Illatio sua tamen nullius est vigoris. (Advertas Soto non negare quidem principium, scilicet quod Deus nos moveat efficaciter, sed tantum illationem Lutheranorum. Ita thomistae; contra moliniani.) Quod enim nos Deus libere moveat, nihil contra ejus omnipotentiam et efficaciam pugnat; quinimo inde amplissime patet infinita ejus virtus et sapientia, quod alias causas instituit naturaliter movere, et alias libere, et cum singulis modo proprio concurrere... (En ipsissima thomistarum expositio.) At restat nonnihil praeterea explicandum. Aut enim sumus liberi in hujusmodi actionibus ante momentum temporis quo nos Deus movet, aut praesente motione Dei : non ante, quia absque eo movente moveri nequimus; neque cum nos actu movet, quia non stat ipsum nos movere, quin una moveamur : sunt enim movere et moveri, ceu actio et passio, correlativa. » Nonne hic est Achilles molinianus contra praemotionem thomistarum? Attendatur ergo ad Dominici Soto, theologi illustrissimi tridentini, responsionem : « Non est dubium, inquit, quin concursus Dei, licet concomitetur, ut aiunt, actionem, sit nihilominus cuicumque causae secundae requisitus ad agendum, imo vero et natura praerequisitus, quoniam non solum Deus est causa effectus causae secundae, verum ipse etiam movet eam ad agendum. (Nonne haec est praemotio physica thomistarum? motio physica, causae intrinseca, natura prior actione, juxta illud S. Thomae [1] : « Motio moventis praecedit motum mobilis ratione et causa. ») At, quamvis ille concursus sit praerequisitus, nihilo secius, illo posito, etiam est in facultate voluntatis agere et cessare.... Solutio ergo dubitationis est, quod illo tunc temporis momento quo Deus mecum concurrit, sum liber ut tunc agere renuam. Etenim, dum libere moveat, possum in sensu diviso non agere, et tunc cessabit concursus Dei; tametsi in sensu composito contra se invicem pugnent, Deum agere erga me actione illa, et me non agere. » Nonne haec est famosissima tho-*
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> [1] *III Contra gentes, cap. 149.*

62 [1]

[1] III Contra gentes, cap. 149.

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> [1] *III Contra gentes, cap. 149.*

63 One thing I ask, that those things be attentively read in the Tridentine Catechism which are said concerning divine concourse, and it be considered whether « that intimate virtue and most hidden force, whereby God, anticipating the efficiency of secondary causes, compels them to action », is Thomistic or Molinian.

> *Unum rogo, ut attente legantur in Catechismo Tridentino ea quae de divino concursu dicuntur, considereturque utrum « intima illa virtus et occultissima vis, qua Deus, causarum secundarum efficientiam praeveniendo, ad actionem eas compellit », thomistica sit, an moliniana.*

64 Is it not physical motion, necessary to all second causes in order to act, intrinsic to them, prerequisite to their efficiency? It is therefore true physical premotion. Were the Fathers Molinian, or Thomistic?

> *Nonne est motio physica, omnibus causis secundis ad agendum necessaria, eis intrinseca, ad earum efficientiam praerequisita ? Est igitur vera praemotio physica. Erantne moliniani Patres, an Thomistici ?*

65 **4° On a certain newest argument, whereby Thomists are accused of standing against St. Thomas.**

> ***4° De novissimo quodam argumento, quo thomistae contra S. Thomam stare insimulantur.***

66 The Molinian author of the work Bannez et Molina argues thus: « When some doctrine is attributed to any great philosopher from which follows something that seems impossible, it must always be judged that he saw the difficulty, and proposed and solved it directly. But nowhere in the works of St. Thomas is read explicitly the enormous difficulty of Thomists in saving human liberty; Thomas did not even suspect it. Therefore that does not exist in the truly Thomistic doctrine of divine concourse. Therefore wholly different is the doctrine of St. Thomas from that which is attributed to him. » What more? — *I answer* the major is conceded most gladly; but in place of the minor assumed, this must be set on the contrary: But wherever St. Thomas discourses of the knowledge of God, or will, or providence, or governance, or of human free choice, or of sin, he always proposes to himself the explication of the accord of human free choice and divine operation. Therefore the doctrine of St. Thomas on this matter is not that of Molinists, but of Thomists. For evidence of our minor it would be needful to run lightly through the works of the Angelic Doctor; but few things recited will suffice, as I judge.

> *Molinianus author operis Bannez et Molina arguit sic : « Quando alicui magno philosopho doctrina adseribitur, ex qua sequitur aliquid quod videtur impossibile, semper existimandum est ab illo eam visam fuisse difficultatem, atque directe propositam solutamque. Porro nullibi S. Thomae operum legitur explicite enormis thomistarum difficultas in salvanda hominis libertate ; eam ne suspicatus quidem est Thomas. Ergo illa non existit in vere thomistica de divino concursu doctrina. Ergo alia est omnino S. Thomae doctrina ac quae ei adseribitur. » Quid plura ?* — Respondeo *majorem concedi libentissime ; sed loco minoris assumptae, haec e contra ponenda est : Porro ubicumque S. Thomas disserit de Dei scientia, vel voluntate, vel providentia, vel gubernatione, vel de libero hominis arbitrio, vel de peccato, semper sibi proponit explicandam concordiam liberi arbitrii hominum et divinae operationis. Ergo S. Thomae doctrina super hac re non est molinistarum, sed thomistarum. Ad evidentiam minoris nostrae oporteret Angelici Doctoris opera vel leviter percurrere ; verum satis erit, ut arbitror, pauca recitare.*

67 [1] [2]

[1] Part. I, cap. 2, n. 24.

[2] Pag. 44.

> *[1] [2]*
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> *[1] Part. I, cap. 2, n. 24.*
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> *[2] Pag. 44.*

68 I p., q. 83, a. 1, objects to himself 3° : « That is free which is cause of itself. What therefore is moved by another is not free. But God moves the will... Therefore man is not of free choice. » The same is had q. 105, a. 4 ; q. 3 de Potentia, a. 7 ; q. 24 de Verit., a. 1 ; q. 3 de Malo, a. 2 ; q. 6 ibid., a.

unico, etc... — *He answers* : « It must be said that free choice is cause of its own motion, because man through free choice moves himself to act. Yet this is not of the necessity of liberty, that it be first cause of itself of that which is free; just as neither for something to be cause of another is it required that it be first cause of it. God therefore is first moving cause both of natural and of voluntary causes. And as by moving natural causes he takes not away that their actions be natural; so, moving voluntary causes, he takes not away that their actions be voluntary, but rather does this in them: for he operates in each one according to its proper condition. » The same he teaches ibid., q. 105, a. 4, c ; q. 3 de Potentia, a. 7, c ; q. 24 de Verit., a. 1, c ; q. 3 de Malo, a. 2, c, and ibid., q. 6, a. unico.

> *I p., q. 83, a. 1, sibi objicit 3° : « Liberum est quod sui causa est. Quod ergo movetur ab alio, non est liberum. Sed Deus movet voluntatem... Ergo homo non est liberi arbitrii. » Idem habetur q. 105, a. 4 ; q. 3 de Potentia, a. 7 ; q. 24 de Verit., a. 1 ; q. 3 de Malo, a. 2 ; q. 6 ibid., a. unico, etc...* — Respondet *: « Dicendum quod liberum arbitrium est causa sui motus, quia homo per librum arbitrium se movet ad agendum. Non tamen hoc est de necessitate libertatis, quod sit prima causa sui id quod liberum est, sicut nec ad hoc quod aliquid sit causa alterius, requiritur quod sit prima causa ejus. Deus igitur est prima causa movens et naturales causas et voluntarias. Et sicut naturalibus causis, movendo eas, non aufert quin actiones sint naturales ; ita, movendo causas voluntarias, non aufert quin actiones earum sint voluntariae, sed potius hoc in eis facit : operatur enim in unoquoque secundum ejus proprietatem. » Idem docet ibid., q. 105, a. 4, c ; q. 3 de Potentia, a. 7, c ; q. 24 de Verit., a. 1, c ; q. 3 de Malo, a. 2, c, et ibid., q. 6, a. unico.*

69 II p., q. 10, a. 4, is objected 1° : « Every agent that cannot be resisted moves of necessity. But God, since he is of infinite power, cannot be resisted... Therefore God moves the will of necessity. » *It is answered* : « It must be said that the divine will extends not only that something be done through the thing which it moves, but also that it be done in that very mode which suits its nature. And therefore it would more repugn divine motion if the will were moved of necessity, which suits not its nature, than if it were moved freely, as suits its nature. » The same q. 6 de Malo, a. unico.

> *II p., q. 10, a. 4, objicitur 1° : « Omne agens cui resisti non potest, ex necessitate movet. Sed Deo, cum sit infinitae virtutis, resisti non potest... Ergo Deus ex necessitate movet voluntatem. »* Respondetur *: « Dicendum quod voluntas divina non solum se extendit ut aliquid fiat per rem quam movet, sed ut etiam eo modo fiat quo congruit naturae ipsius. Et ideo magis repugnaret divinae motioni, si voluntas ex necessitate moveretur, quod suae naturae non competit, quam si moveretur libere, prout competit suae natura. » Idem q. 6 de Malo, a. unico.*

70 Ibid. is objected 3° : « Possible is that whose position entails nothing impossible. But impossible follows if it be posited that the will does not will that to which God moves it, for thereupon the operation of God would be inefficacious. It is not therefore possible for the will not to will that to which God moves it. Therefore of necessity it must will it. » The same where above.

> *Ibid. objicitur 3° : « Possibile est, quo posito non sequitur impossibile. Sequitur autem impossibile, si ponatur quod voluntas non velit hoc ad quod Deus eam movet, quia secundum hoc operatio Dei esset inefficax. Non ergo est possibile voluntatem non velle hoc ad quod Deus eam movet. Ergo necesse est eam hoc velle. » Idem ubi supra.*

71 *It is answered* : « It must be said that, if God moves the will to something, it is incompossible with this position that the will not be moved to it. It is nevertheless not simply impossible. Whence it follows not that the will is moved by God of necessity. » The answer cited above of Dominic Soto expresses the same doctrine.

> Respondetur *: « Dicendum quod, si Deus movet voluntatem ad aliquid, incompossibile est huic positioni, quod voluntas ad illud non moveatur. Non tamen est impossibile simpliciter. Unde non sequitur quod voluntas a Deo ex necessitate*

moveatur. » Responsio supra citata Dominici Soto eamdem doctrinam exprimit.

72 Q. 3 de Potentia, a. 7, is objected 13° : « The will is mistress of its act. This however would not be, unless it could act only with God operating in it, since our will is not mistress of the divine operation. Therefore God operates not in our will while operating. » *It is answered* : « It must be said that the will is said to have dominion over its act not by way of exclusion of the first cause, but because the first cause acts not so upon the will as to determine it of necessity to one thing, as it determines nature. And therefore the determination of act is left in the power of reason and will. » The same I p., q. 83, a. 1 ; q. 24 de Verit., a. 1 ; q. 6 de Malo, a. unico. — The dominion which the will has over its acts, whereby it is in its power to will or not will, excludes determination of virtue to one, and violence of the externally acting cause; but it does not exclude the influx of the superior cause, from which is its being and operating. And thus causality remains in the first cause, which God is, with respect to motions of the will, so that God, knowing himself, can know such things. [1]

[1] Contra gent., cap. 68.

Q. 3 de Potentia, a. 7, objicitur 13° : « Voluntas est domina sui actus. Hoc autem non esset, si agere non posset nisi Deo in ipsa operante, cum voluntas nostra non sit domina divinae operationis. Ergo Deus non operatur in voluntate nostra operante. » Respondetur *: « Dicendum quod voluntas dicitur habere dominium sui actus, non per exclusionem causae primae, sed quia causa prima non ita agit in voluntate, ut eam de necessitate ad unum determinet, sicut determinat naturam. Et ideo determinatio actus relinquitur in potestate rationis et voluntatis. » Idem I p., q. 83, a. 1 ; q. 24 de Verit., a. 1 ; q. 6 de Malo, a. unico. — Dominium quod habet voluntas supra suos actus, per quod in ejus potestate est velle vel non velle, excludit determinationem virtutis ad unum, et violentiam causae exterius agentis ; non autem excludit influentiam superioris causae, a qua est ejus esse et operari. Et sic remanet causalitas in causa prima, quae Deus est, respectu motuum voluntatis, ut sic Deus, seipsum cognoscendo, hujusmodi cognoscere possit.*[1]

[1] *Contra gent., cap. 68.*

73 Here you have, if I mistake not, both all the heads of the Molinian arguments against Thomists, and all the principles of the solutions of Thomists. Thomists therefore are true disciples of St. Thomas. — I wish the notes attentively observed, what determination is contrary to liberty: none indeed other than determination of virtue or nature to one. Whence, when the Angelic Doctor says that the will is not determined by God, such locution is to be understood only of this determination to one by way of nature. For thus St. Thomas explains his own mind here most manifestly, and where he says III Contra gentes, chapter 90 : « That Damascene says, that God foreknows those things which are in us, but does not predetermine them, must be expounded so as to be understood that those things which are in us are not subject to divine determination, quasi receiving necessity from it. » — Note also incidentally what was said above, namely in what God knows free acts. In nothing, except in himself. And why? because God is the first cause of such motions. Thence is utterly overthrown *scientia media*.

Hic habes, ni fallor, et capita omnia argumentorum molinianorum in thomistas, et principia omnia solutionum thomistarum. Sunt igitur thomistae veri S. Thomae discipuli. — Velim notas diligenter quae determinatio sit contraria libertati : non alia sane quam determinatio virtutis seu naturae ad unum. Unde, quando Doctor Angelicus dicit voluntatem a Deo non determinari, hujusmodi locutio intelligenda est tantummodo de hac determinatione ad unum per modum naturae. Sic enim S. Thomas sententiam suam explicat hic manifestissime, et ubi ait III Contra gentes, cap. 90 : « Quod Damascenus dicit, quod ea quae sunt in nobis Deus praenoscit, sed non praedeterminat, exponenda sunt ita ut intelligatur ea quae sunt in nobis divinae determinationi non esse subjecta, quasi ab ea necessitatem accipientia. » —

Nota etiam obiter quod supra dictum est, scilicet in quo Deus cognoscat actus liberos. In nullo, nisi in seipso. Et quare ? quia Deus est prima causa hujusmodi motuum. Hinc funditus evertitur scientia media.

74 By the same Molinian argument it is shown that Molinists are not disciples of Augustine. For heretics were rising up against the bishop of Hippo because he destroyed free choice. Whence Prosper also asked him to explain « how through that preoperant and cooperating grace free choice is not impeded. » Who ever anxiously asked this among the followers of Molina? Whence deservedly and justly Molina glories: « Which if they had always been given and explained, perhaps neither would the Pelagian heresy have arisen; nor would Lutherans have dared so imprudently to deny the liberty of our choice, objecting that it cannot cohere with divine grace, foreknowledge and predestination; nor would so many faithful from Augustine's opinion and contentions with Pelagians have been troubled and fallen away to Pelagians, and easily would the remains of those Pelagians in Gaul have been extinguished, as is evident from those things whereby the letters of Prosper and Hilary testify that those men met with Catholics and disagreed with them. » [2] Excellent. Therefore not the same is the opinion of Augustine and Molina. For Molina boasts himself that the French would have been content. Indeed I do not contradict. For how would it have been Augustine's, since Molina recants « this our manner of reconciling liberty with divine predestination handed down hitherto by no one whom I have seen? »

2 Concordia, q. 23, a. 4 et 5, disp. 1, memb. ult.

Eodem moliniano argumento ostenditur Molinistas non esse Augustini discipulos. Nam in Hipponensem insurgebant haeretici, quod liberum destrueret arbitrium. Unde et Prosperus ab eo petebat ut explicaret, « quomodo per istam praeoperantem et cooperantem gratiam liberum non impediatur arbitrium. » Quis unquam a Molinae asseclis anxius hoc quaesivit ? Unde jure meritoque gloriatur Molina : « Quae si data explanataque semper fuissent, forte neque Pelagiana haeresis fuisset exorta ; neque Lutherani tam imprudenter arbitrii nostri libertatem fuissent ausi negare, obtendentes cum divina gratia, praescientia et praedestinatione cohaerere non posse ; neque ex Augustini opinione concertationibusque cum Pelagianis tot fideles fuissent turbati, ad Pelagianosque defecissent, facileque reliquiae illa Pelagianorum in Gallia fuissent exstinctae, ut patet ex iis quibus homines illos cum catholicis convenisse, et ab eis dissensisse, epistolae Prosperi et Hilarii testantur. »[2] *Optime. Non est igitur eadem Augustini et Molinae sententia. Sua enim Molina se jactat contentos futuros fuisse Gallos. Non equidem contradico. Nam quomodo fuisset Augustini, cum Molina recantet « hanc nostram rationem conciliandi libertatem cum divina praedestinatione a nemine, quem viderim, hucusque traditam ? »*

2 *Concordia, q. 23, a. 4 et 5, disp. 1, memb. ult.*

75 **5° On the older Thomists**

5° De thomistis antiquioribus

76 Molinists heap together texts from older Thomists, by which the doctrine of Bannes seems reproved, or also certain things are said opposed to the sayings of new Thomists in controversies about grace. All these certainly deceive, and are apt to bring doubt into beginners, or those who

Congerunt Molinistae textus e veteribus thomistis, quibus Bannesii doctrina reprobari videtur, vel etiam quaedam dicuntur opposita thomistarum novorum dictis super controversiis de gratia. Omnia haec utique fucum faciunt, et dubietatem inferre nata sunt incipientibus, vel iis qui

77 1 3

[1] Among epist. Aug. 225, on the relics of the Pelagian heresy in Gaul.

[3] Pag. 550.

1 3

[1] Inter epist. Aug. 225, de reliquiis pelagianae haereseos in Gallia.

[3] Pag. 550.

[78] cannot have the genuine sense of the words recited. Yet to these it suffices to respond in common:

genuinum recitatorum verborum sensum habere non possunt. Ad haec tamen in communi respondere sat est :

[79] 1° In true Thomism several secondary opinions can be held about one thing: whence nothing wonderful that some of the Thomists reproved certain private opinions of Bannes. For they follow not Bannes as leader, but one Thomas; Thomas is always to be proved in Bannes, as also in others; whoever departs from Thomas is to be left. — 2° There is no reason why you wonder that more recent Thomists differ from the older in words. For before controversy has arisen about anything whatsoever, theologians, or even Fathers, are not wont to speak so formally, so to speak, and properly, and signify what they think. An example are the French, who made no small complaint against Augustine, that he spoke and taught much otherwise than the older writers, yea truly contradicted himself writing before the birth of the heresy of Pelagius. « They defend by antiquity, writes Prosper, and affirm that those things which are brought forward from the Epistle of the Apostle Paul to the Romans, written toward manifesting the divine grace preventing the merits of the elect, were never so understood by any ecclesiastical writers as they are now felt. » Similarly argued all heretics, from Arius down to Jansenists, against defenders of Catholic faith. I shall not deny therefore that both the older disciples of Thomas sometimes used terms which afterwards were held Molinian, and consequently avoided and reproved in the Thomistic school; and that the more recent, controversies arisen, chose some most formal and most proper terms for expressing the doctrine without any obscurity or tergiversation, and also most cautiously avoided less formal words, whatever could be drawn to the contrary part, after the manner of the holy Fathers and councils: whence the more recent may seem to differ from the older. But one is the principle of whole Thomism, namely that: « Whatever is moved, is moved by another. » Let therefore the older Thomists be compared with the more recent on the interpretation of this principle, and it will be made evident to all most clearly, that one is the school of Thomas from beginning until now, that all agree in sense in necessary things, although they may seem sometimes to differ in words. [1] To this responded Augustine to the French appealing to the ancients: « What need is there that we search the little works of those who, before this heresy arose, had not necessity to busy themselves in this difficult question to solve; which without doubt they would do if compelled to respond to such men? Whence it happened that what they thought about the grace of God they touched briefly and transiently, but lingered in those things which the Church disputed against other enemies. » And elsewhere he says that the older Fathers always professed those principles whereby he himself now sustains the true and Catholic doctrine on predestination and grace: which certainly ought plainly to suffice.

[1] Confer Cajetanum, in I p., q. 2, a. 3; Ferrariensem, in III Contra gentes, cap. 6 seqq. These are the most illustrious interpreters, as Leo XIII wrote to card. de Luca.

1° In vero thomismo plures super una re secundaria opiniones haberi possunt : unde nil mirum quod aliqui ex thomistis aliquas privatas Bannesii sententias reprobaverint. Non enim Bannesium ducem sequuntur, sed unum Thomam ; Thomas

in Bannesio, sicut et in caeteris, probandus est semper, quisquis vero a Thoma discedit, relinquendus. — 2° Non est cur mireris recentiores thomistas a veteribus in verbis discrepare. Ante enim quam super re quacumque orta fuerint controversia, non assolent theologi, vel etiam Patres, tam formaliter, ut ita dicam, et proprie loqui, ac significare quid sentiant. Exemplo sint Galli, qui Augustino non parvam querelam faciebant, quod multum aliter ac antiquiores scriptores loqueretur doceretque, imo vero sibimet ante Pelagii natam haeresim scribenti contradiceret. « Vetustate defendunt, scribit Prosperus, et ea quae de Epistola Apostoli Pauli ad Romanos scribentis, ad manifestationem divinae gratiae praevenientis electorum merita proferuntur, a nullo unquam ecclesiasticorum ita esse intellecta ut nunc sentiuntur, affirmant. » Similiter haeretici omnes, ab Ario usque ad Jansenistas, contra catholicae fidei defensores argumentati sunt. Haud igitur inficiabor, tum veteres Thomae discipulos terminis usos esse quandoque qui postea moliniani habiti sunt, proindeque in schola thomistica evitati ac reprobati ; tum recentiores, exortis controversiis, quosdam formalissimos propriissimosque delegisse terminos ad doctrinam absque ulla obscuritate tergiversationeque exprimendam, atque etiam minus formalia, quaeque in contrariam partem trahi poterant verba, cautissime, SS. Patrum et conciliorum instar, devitasse : indeque recentiores a veteribus differre posse videri. Verum unum est totius thomismi principium, illud nempe : « Omne quod movetur, ab alio movetur. » Conferantur ergo super hujus principii interpretatione veteres thomistae cum recentioribus, omnibusque patebit evidentissime, unam esse Thomae scholam ab initio usque nunc, sensu convenire omnes in necessariis, licet verbis quan doque discrepare videantur.[1] Haec respondebat Augustinus Gallis ad antiquos provocantibus : « Quid opus est ut eorum scrutemur opuscula, qui priusquam ista haeresis oriretur, non habuerunt necessitatem in hac difficili ad solvendum quaestione versari ; quod procul dubio facerent, si respondere talibus cogerentur ? Unde factum est ut de gratia Dei quid sentirent breviter et transeunter attigerint, immorarentur vero in eis, quae adversus alios Ecclesia inimicos disputabant. » Et alibi dicit quod veteres Patres semper principia professi sunt quibus ipse nunc veram catholicamque de praedestinatione et gratia doctrinam sustinet : quod utique plane sufficere debet.

[1] *Cfr. Cajetanum, in I p., q. 2, a. 3; Ferrariensem, in III Contra gentes, cap. 6 seqq. Hi sunt clarissimi interpretes, uti scripsit Leo XIII ad card. de Luca.*

80 **6° On the new Molinian metaphysics.**

6° De nova metaphysica moliniana.

81 The Molinian author of the work Bannez et Molina has this: « I confess that it is most difficult for me to admit that according to St. Thomas divine cooperation is nothing else than simultaneous concourse. In this matter also the Dominicans obtained the cause against the Jesuits, by bringing forward texts in which the Angelic Doctor teaches that divine motion is received in the second cause. » [2] — « However simultaneous concourse be expounded, it is attacked by most subtle arguments of metaphysics. Moreover by mere concourse toward effect or action can by no means be explained all those texts in which St. Thomas teaches that the second cause itself is moved by God. This is the infirmity of the Molinian opinion », [3] — « Which metaphysical difficulty indeed against simultaneous concourse, in my opinion, is truly grave; whence, since St. Thomas did not see it, the consequence is that he did not posit divine operation in creatures as the favorers of simultaneous concourse posited. » [4] — Therefore the concourse of Molina and Suarez is opposed both to metaphysical and to Thomistic doctrine. But let that Molinian tell us what St. Thomas truly teaches: « The divine operation, that second causes act, he says, is not a certain concourse received only in the effect, by no means truly in the cause, as the Suarezian school teaches. It is truly motion of the second cause itself, whereby mediating, the first cause attains the effect... Indeed I do not bear the name of physical premotion, because these words are perversely taken in Thomistic language. Nevertheless, in my sense, if anyone wish to follow the doctrine of Thomas, he must read that the second cause is really

moved by the first, and that a certain influx of God is received in the second cause before it attains the effect. » [1] — « Whether the action of the second cause be considered, or the effect be considered, divine operation is necessary, prior by reason; (for in the order of efficient causes cause precedes effect at least by reason,) entitatively more principal; but the second cause is only a subordinate cooperatrix, moved, only determining and specifying the effect, whose substance is from the first cause. » [2] — From these it is manifest that this Molinian, while he repudiates the name of premotion, nevertheless seems to admit the thing and receive it from St. Thomas. But why he rejects the name must be seen. « The reason of premotion of Thomists, he says, is that it determine the indeterminate second cause. Moreover, according to the principles of St. Thomas, the motion of the first cause needs to be determined by the second cause, rather than that it determine it itself. » [3] There is no one among Thomistic tyros who cannot remove this prejudice. For very often says St. Thomas « the influx of the first cause is determined and specified through the proximate cause, » in this sense namely, that God operates in each one according to its nature and mode, in natural causes necessarily, in voluntary ones freely, intellection with intellect, volition with will: « and therefore, says St. Doctor, the effect imitates the similitude of the proximate cause. » Moreover that the motion of God is thus determined by secondary causes, passively or receptively, so to speak, Thomists proclaim, with this reason especially demonstrating that free choice is not impeded by God but perfected while it is moved. True is the indifference or indetermination of secondary causes, which is unto exercise, while they are in act first or potency, as it is called; and that it may be removed, since no being can pass from potency into act except through some being in act, necessary is the intimate, efficacious motion of the first cause in second causes, prior by nature, as is evident. In this sense only do Thomists posit, the Angelic leading, that second causes are efficaciously determined by God, yea predetermined, since it is incompossible with this position that the second cause not be moved, and always the motion of mover precedes the motion of the movable by reason and cause, as the same Doctor himself says. Thomists therefore fight not against Thomas. For it is true that divine motion determines and is determined according to diverse accounts.

[2] Pag. 13.

[3] Pag. 171.

[4] Pag. 172.

[1] Pag. 178.

[2] Pag. 327.

[3] Pag. 185.

> *Molinianus author operis Bannez et Molina haec habet : « Fateor mihi difficillimum esse admittere quod secundum S. Thomam divina cooperatio non sit aliud quam concursus simultaneus. In hac etiam re Dominicani in Jesuitas causam obtinebant, textus afferendo quibus Doctor Angelicus docet divinam motionem in causa secunda recipi. » [2] — « Quacumque ratione exponatur concursus simultaneus, subtilissima metaphysicae argumentis impugnatur. Caeteroquin mero concursu ad effectum vel actionem explicari minime possunt textus omnes quibus S. Thomas docet ipsammet causam secundam a Deo moveri. Haec est molinianae opinionis infirmitas », [3] — « Qua quidem difficultas metaphysica adversus concursum simulaneum, mea sententia, vere gravis est ; unde, cum eam S. Thomas non viderit, consequens est illum non posuisse divinam operationem in creaturis sicut posuerunt fautores concursus simultanei. » [4] — Igitur concursus Molinae Suaresiique tum metaphysicae tum thomis ticae doctrinae est oppositus. At dicat nobis molinianus iste quid S. Thomas revera doceat : « Divina operatio, ut causae secundae agant, inquit, non est concursus quidam*

receptus solummodo in effectu, minime vero in causa, ut docet schola Suaresiana. Vere motio est ipsius causae secundae, qua mediante, causa prima attingit effectum... Equidem praemotionis physicae nomen non fero, quia verba haec in thomistica lingua perverse accipiuntur. Attamen, meo sensu, si quis velit doctrinam Thomae sequi, oportet legat causam secundam a prima realiter moveri, quemdamque Dei influxum in secunda causa recipi prius quam attingat effectum. » [1] *— « Sive consideretur actio causa secundae, sive consideretur effectus, divina operatio est necessaria, ratione prior ; (nam in ordine causarum efficientium causa praecedit effectum ad minus ratione,) entitative principalior ; causa vero secunda non est nisi cooperatrix subordinata, mota, solummodo determinans et specificans effectum, cujus substantia est a causa prima. »* [2] *— His manifestum est quod molinianus iste, dum premotionis nomen repudiat, rem tamen admittere et a S. Thoma recipere videtur. Quare autem nomen rejiciat, videndum est. « Ratio premotionis thomistarum, inquit, est ut determinet causam secundam indeterminatam. Porro, juxta S. Thomae principia, motio causae primae a causa secunda determinari indiget, nedum determinet ipsa. »* [3] *Nemo est inter thomisticos tyrones qui praejudicium hoc removere non valeat. Nam saepissime dicit S. Thomas « causae primae influentiam per causam proximam determinari et specificari, » in hoc sensu nempe, quod Deus operatur in unoquoque secundum ejus naturam et modum, in naturalibus causis necessario, in voluntariis libere, intellectionem cum intellectu, volitionem cum voluntate : « et ideo, inquit S. Doctor, similitudinem causae proximae imitatur effectus. » Porro Dei motionem sic a causis secundis determinari, passive aut receptive, ut ita dicam, thomistae proclamant, cum hac praesertim ratione demonstrent liberum arbitrium a Deo non impediri, sed perfici, dum movetur. Vera est indifferentia seu indeterminatio causarum secundarum, quae est ad exercitium, dum sunt in actu primo seu potentia, ut dicitur ; eaque ut tollatur, cum nullum ens transire possit de potentia in actum, nisi per aliquod ens in actu, necessaria est causae primae in causis secundis intima, efficax, naturaque praevia, ut patet, motio. In hoc sensu tantum Thomistae ponunt, duce Angelico, secundas causas efficaciter a Deo determinari, imo praedeterminari, cum incompossibile sit huic positioni quod causa secunda non moveatur, semperque motio moventis praecedat motum mobilis ratione et causa, ut ipse ait idem Doctor. Non ergo pugnant contra Thomam thomistae. Verum est enim quod divina motio determinat et determinatur secundum rationes diversas.*

[2] *Pag. 13.*

[3] *Pag. 171.*

[4] *Pag. 172.*

[1] *Pag. 178.*

[2] *Pag. 327.*

[3] *Pag. 185.*

82 From these it could seem that this Molinian posits that we are physically premoved by God to free acts. But that conclusion, necessary beyond the expectation of all, he avoids with wonderful flight. Certainly, he says, « if any being entitatively distinct from others is, it ought to be from the first cause immediately: the consequence holds, and therefore thomism is logical. » [1] — « Among Thomists, the undeliberated act and the deliberated act are two successive acts, distinct, entitatively different... Whence it follows that ly consentire is immediately from the first mover. Among us however ly consentire or ly dissentire adds nothing real, physical. The undeliberated act does not differ physically from the deliberated act. Whence it follows that it is not necessary that ly consentire be effected specially by the first mover. » [2] — Indeed what easier and more apt for avoiding the subtle metaphysics and rigorous logic of Thomists than to deny that the free act is some real being and distinct in nature? I deny not that this is a most apt medium; but is it Thomistic, philosophical? Let even the Molinists themselves pronounce, who « too much, alas! placed the real distinction between potency and its act, whereby they exposed an open side to Thomists. » [3]

[1] Pag. 174.

[2] Pag. 214.

[3] Pag. 170.

> *Ex his videri posset quod Molinianus iste ponit nos a Deo physice praemoveri ad liberos actus. At conclusionem illam necessariam, praeter omnium expectationem, mira fuga vitat. Utique, inquit, « si quod ens a caeteris entitative distinctum est, oportet illud esse a causa prima immediate : consequentia valet, ideoque thomismus logicus est. » [1] — « Apud thomistas, actus indeliberatus et actus deliberatus sunt duo actus successivi, distincti, entitative diversi... Unde sequitur ly consentire esse immediate a primo movente. Apud nos autem ly consentire vel ly dissentire non addit aliquid reale, physicum. Actus indeliberatus non differt physice ab actu deliberato. Unde sequitur necesse non esse quod ly consentire efficiatur specialiter a primo movente. » [2] — Reapse quid facilius et aptius ad subtilem thomistarum metaphysicam rigorosamque logicam evitandam, quam negare quod actus liber sit aliquod ens reale atque distinctum in natura ? Non diffiteor hoc esse medium aptissimum ; an vero thomisticum, philosophicum ? Pronuntient vel ipsi Molinistae, qui « nimis, eheu ! realem distinctionem inter potentiam et actum ejus posuerunt, qua latus apertum thomistis exponebant. » [3]*
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> [1] *Pag. 174.*
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> [2] *Pag. 214.*
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> [3] *Pag. 170.*

83 I judge that one must not linger longer in confuting that opinion. For all philosophers and theologians cry out with St. Thomas, Ia p., q. 83, a. 4, ad 2 : « Electio (here the deliberated act) and voluntas, that is the very willing (here the undeliberated act) are different acts, as also to understand and to reason.

> *Non puto diutius in ista opinione confutanda immorandum esse. Nam philosophi theologique omnes clamant cum S. Thoma, Ia p., q. 83, a. 4, ad 2 : « Electio (hic est actus deliberatus) et voluntas, id est ipsum velle (hic est actus indeliberatus) sunt diversi actus, sicut etiam intelligere et ratiocinari. »*

84 **7° On the most famous response I II, q. 9, a. 6, ad 3.**

> ***7° De famosissima responsione I II, q. 9, a. 6, ad 3.***

85 From which Molinists infer that, according to St. Thomas, divine motion does not determine the will to this or to that.

> *Ex qua inferunt Molinistae quod, secundum S. Thomam, divina motio non determinat voluntatem ad hoc vel ad illud.*

86 In this place St. Thomas objects to himself 3° : « God is not cause except of goods... If therefore the will of man were moved by God alone, it would never be moved to evil. » *He answers* : « It must be said that God moves the human will as universal mover to the universal object of the will, which is good; and without this universal motion man can will nothing. But man through reason determines himself to willing this or that, which is true good or apparent good. Sometimes nevertheless specially God moves some to willing something determinately, which is good, as in those whom he moves through grace, as will be said below, q. 109 et 112. »

> *Hoc in loco sibi objicit S. Thomas 3° : « Deus non est causa nisi bonorum... Si ergo a solo Deo voluntas hominis moveretur, nunquam moveretur ad malum. »* Respondet *: « Dicendum quod Deus movet voluntatem hominis, sicut universalis motor, ad universale objectum voluntatis, quod est bonum ; et sine hac universali motione homo non potest aliquid velle. Sed homo per rationem determinat se ad volendum hoc vel illud, quod est vere bonum, vel apparens bonum.*

Sed tamen interdum specialiter Deus movet aliquos ad aliquid determinate volendum, quod est bonum, sicut in his quos movet per gratiam, ut infra dicetur, q. 109 et 112. »

87 That the Molinian inference is against the mind of St. Thomas is most manifest: 1° From the conclusion of his very answer. For God is said to move some through grace to something determinately. Therefore some motion of God is to this or to that. — 2° From the motion of God to the act of sin. Ia IIae, q. 79, arg. Sed contra : « The act of sin is a certain motion of free choice. But the will of God is cause of all motions... Therefore the will of God is cause of the act of sin. » Ibid., in corp. : « The act of sin is a being and is an act, and from both it has that it is from God. For every being, in whatever mode it exist, must be derived from the first being... God also is cause of every action, inasmuch as it is action. » Therefore God

Molinianam illationem esse contra mentem S. Thomae, manifestissimum est : 1° Ex ipsius responsionis conclusione. Dicitur enim Deus aliquos movere per gratiam ad aliquid determinate. Ergo aliqua Dei motio est ad hoc vel ad illud. — 2° Ex motione Dei ad actum peccati. Ia IIae, q. 79, arg. Sed contra : « Actus peccati est quidam motus liberi arbitrii. Sed voluntas Dei est causa omnium motionum... Ergo voluntas Dei est causa actus peccati. » Ibid., in corp. : « Actus peccati est ens et est actus, et ex utroque habet quod sit a Deo. Omne enim ens, quocumque modo sit, oportet quod derivetur a primo ente... Deus etiam est causa omnis actionis, in quantum est actio ». » Ergo Deus

88 [1]

[1] Idem docet q. 3 de Malo.

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[1] Idem docet q. 3 de Malo.

89 promotes to free acts determinately. — 3° Because St. Thomas thus speaks expressly in III Contra gentes, chapter 69 : « Certain men not understanding how God can cause the motion of the will without prejudice to liberty,... said that God causes in us to will and to accomplish inasmuch as he gives us the faculty of willing, but not so that he makes us will this or that... Against which authorities of Sacred Scripture resistance is made evidently. » Ibid.: « Above (chapters 67 and 70) it was shown, that God is cause of every action and operates in every agent. He is therefore cause of motions of the will. » — 4° Because both this article, and the objection, and the response suppose evidently that St. Thomas teaches not simultaneous concourse (for who ever argued thus against him?) but physical premotion, which is required for any passage whatsoever from potency to act. For Ia IIae, q. 109, a. 1, c, he says: « However perfect some nature be supposed to be, whether corporal or spiritual, it cannot proceed into its act unless it be moved by God. » Ibid., a. 9, c : « No created thing can proceed into any act whatever except by virtue of divine motion. » — The depravity therefore of the Molinian inference appears manifestly.

promovet ad actus liberos determinate. — 3° Quia sic loquitur expresse S. Thomas in III Contra gentes, cap. 69 : « Quidam non intelligentes qualiter motum voluntatis Deus causare possit absque praejudicio libertatis,... dixerunt quod Deus causat in nobis velle et perficere in quantum dat nobis virtutem volendi, non autem sic quod faciat nos velle hoc vel illud... Quibus authoritatibus S. Scripturae resistitur evidenter. » Ibid. : « Superius (cap. 67 et 70) ostensum est, quod Deus est causa omnis actionis et operetur in omni agente. Est igitur causa motuum voluntatis. » — 4° Quia tum articulus iste, tum objectio, tum responsio supponunt evidenter S. Thomam non docere concursum simultaneum (quis enim unquam sic argumentatus est adversus illum ?) sed physicam premotionem, qua requiritur ad quemcumque transitum de potentia ad actum. Nam Ia IIae, q. 109, a. 1, c, dicit : « Quantumcumque natura aliqua corporalis vel

spiritualis ponatur perfecta, non potest in suum actum procedere, nisi moveatur a Deo. » Ibid., a. 9, c : « Nulla res creata potest in quemeumque actum prodire, nisi virtute motionis divinae. » — Illationis igitur moliniana pravitas manifeste apparet.

90 But the same is expounded Thomistically thus. — St. Thomas teaches that possibility of actually sinning is had in the will moved, by this that not God alone moves, but the will itself also moves itself. Whence he excludes not suchwise that God moves to this or to that, but only that God moves alone in order to the act of sin. God therefore moves to this or to that, but not alone. Behold the inference true and from purpose of the text. — According to the doctrine of St. Thomas, that created will can actually sin, several successive acts are necessary in it. For it is impossible that the first of all acts of the will, since it is from God alone, be evil, although it can be free and meritorious. [2] And thence it is that in the series of acts, whose last is sinful,

[2] I. p., q. 63, a. 5, ad 3; q. 95, a. 1, c.

Idem vero sic thomistice exponitur. — Docet S. Thomas quod possibilitas actu peccandi habetur in voluntate mota, per hoc quod non Deus solus movet, sed ipsa etiam voluntas movet se. Unde non taliter excludit quod Deus moveat ad hoc vel ad illud, sed tantum quod Deus moveat solus in ordine ad actum peccati. Deus igitur movet ad hoc vel ad illud, sed non solus. En vera e proposito textu illatio. — Secundum S. Thomae doctrinam, ut creata voluntas possit actu peccare, necessarii sunt in illa plures actus successivi. Impossibile est enim quod primus omnium actuum voluntatis, cum sit a solo Deo, sit malus, etsi possit esse liber et meritorius. [2] Et inde est quod in serie actuum, quorum ultimus est peccaminosus,

[2] I. p., q. 63, a. 5, ad 3; q. 95, a. 1, c.

91 [1]

[1] III Contra gentes, cap. 10 et 109 ; Ia p., q. 63, a. 5 et 6.

[1]

[1] III Contra gentes, cap. 10 et 109 ; Ia p., q. 63, a. 5 et 6.

92 as St. Thomas teaches in this response, God moves first, as universal motor, to universal good: which motion nevertheless is to a determinate act, as is evident from art. 4 of the same question. Which first act is not evil. But the will moved begins to move itself through deliberation of reason, as is there said; for God moves it according to its nature. Whence it becomes possible that the will determine itself to apparent good. When however God wills to move some specially to good, he permits them not to decline to evil. Behold the truly Thomistic sense. (Confer Ia IIae, q. 111, a. 2.)

ut docet S. Thomas in hac responsione, Deus movet primo, sicut universalis motor, ad universale bonum : quae tamen motio est ad determinatum actum, ut patet ex art. 4 ejusd. quaest. Qui primus actus non est malus. Sed voluntas mota incipit sese movere per deliberationem rationis, ut ibid. dicitur ; nam Deus eam movet secundum naturam ejus. Unde fit possibile ut voluntas sese determinet ad apparens bonum. Quando autem vult Deus aliquos movere specialiter ad bonum, non sinit eos ad malum declinare. En sensus vere thomisticus. (Cfr. Ia IIae, q. 111, a. 2.)

93 Thence you see that here St. Thomas moves transiently some particular question. Whence it is not equitable that we now only ask what he thought concerning divine motion. The rule of criticism is, that of whatsoever teacher the doctrine about anything whatsoever be always drawn from those places in which he himself institutes the question ex professo; but locutions dispersed in other writings referring to the same be expounded according to the doctrine handed down by institution. Thus act Thomists; on the contrary Molinians, leaving or dissimulating special treatises, are wont to

appeal to words transiently uttered, and seem able so to adjudicate to the author opinions not his own.

> *Hinc vides quod hic S. Thomas transeunter quamdam particularem quaestionem movet. Unde non est aequum ut nunc solum quid de divina motione senserit quaeramus. Regula critices est, ut cujuscumque magistri doctrina super quacumque re ex illis semper desumatur locis in quibus ex professo ipse quaestionem instituit ; locutiones autem in caeteris scriptis quae ad idem referuntur disseminatae exponantur secundum doctrinam ex instituto traditam. Sic agunt thomistae ; contra vero Moliniani, relictis vel dissimulatis tractatibus specialibus, ad verba transeunter prolata appellare solent, et authori sententias non suas sic adjudicare posse videntur.*

94 **II. — On middle knowledge.**

> ***II. — De scientia media.***

95 1° Indeed not a few, that they may demonstrate middle knowledge in God, never exhausting erudition, heap together innumerable texts from Scripture, councils, Fathers, reason, and others, if there be any, sources, whereby they prove most evidently that God knows with omnimodal certitude future conditionals free, or futuribles. But these labor in vain, running outside the field. For one question alone there is, namely: whether God knows futuribles before every decree of the will, that is, in that sign of reason wherein God is considered as if he had freely willed nothing as yet.

> *1° Equidem non pauci, ut scientiam mediam in Deo demonstrent, nunquam exhausta eruditione, e Scriptura, conciliis, Patribus, ratione, aliisque, si quae sint, locis, innumeros congerunt textus, quibus evidentissime probant Deum certitudine omnimoda futura conditionata libera, seu futuribilia, cognoscere. In vanum autem laborant isti, extra campum cursitantes. Unica enim quaestio est, scilicet : utrum Deus futuribilia cognoscat ante omne voluntatis decretum, id est, in hoc rationis signo quo Deus consideratur veluti si nihil adhuc libere voluisset.*

96 2° That they may satisfy which inquiry, Molinists seem now to agree in proposing as medium the determination of truth of one of contradictory enunciations. But that this medium is most inept may be demonstrated, it suffices to observe that our question is not of propositions in necessary matter, whose predicate is of the essence of the subject, e.g.: man is animal; but of propositions in contingent matter, whose predicate accrues to the subject, e.g.: Peter will sin. Whence, since truth follows upon being, before one of propositions in contingent matter be true, it is necessary that the thing signified have being. But the thing signified is only conditionate futurity of some free act. Therefore before all it is needful to assign where this futurity has to be in the sign of reason before every divine willing. Not in the condition indeed, since it is not connected with it; nor in the free cause or will, since the will is essentially indifferent between acting and not acting, nor can anything extrinsic determine it infallibly. Where then? Nowhere certainly. Wherefore reasonably Thomists say that such middle knowledge in God is not; but to every futurity of act, wherein it consists in the determination of cause to acting, and consequently to its cognition, the divine will is necessarily presupposed, which is the first mover and first cause of all. Let us hear the Angelic saying, Ia p., q. 16, ad 3 : « That which now is was future from this, before it existed, because it was in its cause so as to come to be... Whence, the cause removed, that would not have been future to come to be. But the first cause alone is eternal. Whence from this it does not follow that it has always been true that things which are are future, except inasmuch as in the eternal cause it was that they would be future; which cause God alone is. » But future things are not in God except through this, that God wills some things to be future, as is manifest from this, that, as our Doctor says, Ia p., q. 14, a. 8, c, « his knowledge must

needs be cause of things, with will conjoined. » — An example are two contradictories in contingent matter: the world will be, the world will not be. Evident is that neither of these is determinately true of necessity before God decreed the world to be future; for it would follow that the world was created of necessity, and thus divine power would be subjected to a certain fate.

> *2° Cui quaesito ut satisfaciant Molinistae, videntur nunc convenire in proponendo medio veritatis determinata unius e contradictoriis enuntiationibus. Ut autem medium hoc ineptissimum esse demonstretur, sat est observare quaestionem nostram non esse de propositionibus in materia necessaria, quarum praedicatum est de essentia subjecti, v. g. : homo est animal ; sed de propositionibus in materia contingenti, quarum praedicatum accidit subjecto, v. g. : Petrus peccabit. Unde, cum verum sequatur ad ens, antequam una e propositionibus in materia contingenti sit vera, necesse est ut res significata habeat esse. Res autem significata non est nisi conditionata futuritio alicujus actus liberi. Oportet igitur ante omnia assignare ubi futuritio haec esse habeat in signo rationis ante omne divinum velle. Non in conditione quidem, cum non sit ei connexa ; nec in causa libera seu voluntate, cum voluntas sit essentialiter indifferens inter agere et non agere, nihilque extrinsecum possit eam infallibiliter determinare. Ubinam ergo ? Nullibi sane. Quapropter rationabiliter thomistae dicunt hujusmodi scientiam mediam in Deo non esse ; sed ad omnem futuritionem actus, qua consistit in determinatione causae ad agendum, proindeque ad ejus cognitionem, praesupponi necessario divinum velle, quod est primum movens et prima omnium causa. Audiamus Angelicum dicentem, Ia p., q. 16, ad 3 : « Illud quod nunc est, ex eo futurum fuit antequam esset, quia in causa sua erat ut fieret... Unde, sublata causa, non esset futurum illud fieri. Sola autem causa prima est aeterna. Unde ex hoc non sequitur quod ea quae sunt semper fuerit verum ea esse futura, nisi quatenus in causa sempiterna fuit ut essent futura ; qua quidem causa solus Deus est. » Futura autem non sunt in Deo, nisi per hoc quod Deus vult aliqua esse futura, ut manifestum est ex hoc quod, ut dicit Doctor noster, Ia p., q. 14, a. 8, c, « necesse est quod sua scientia sit causa rerum, secundum quod habet voluntatem conjunctam. » — Exemplo sint duae contradictoriae in materia contingenti : mundus erit, mundus non erit. Evidens est nullam ex his esse determinate veram de necessitate, antequam Deus mundum futurum esse decreverit ; sequeretur enim mundum creatum fuisse necessario, et sic divina potentia cuidam fato subjiceretur.*

97 It is therefore openly false that of two contradictories one is always determinately true of necessity; but truth is determined by the first cause which gives being to the thing.

> *Est igitur apertissime falsum quod ex duabus contradictoriis una semper sit determinate vera de necessitate; sed veritas determinatur a causa prima quae dat esse rei.*

98 Excellent therefore St. Thomas I Contra gentes, chapter 68 : « Causality remains in the first cause, which God is, with respect to motions of the will, so that God, knowing himself, can know such things. » In I Periherm., lect. 13 : « False therefore is it that everything which is true has been determinately said to be future...; for in this mode is something true, whereby it has being... Something is in its own cause purely in potency, which is no more determined to one than to another: whence it remains that in no mode can it be determinately said of anything of them that it is future, nor that it is or is not. » Wherefore the Molinian author of the work Bannez et Molina confesses [1] that « none of the proposed speculations makes [the question] sufficiently examined. »

[1] Pag. 113.

> *Optime ergo S. Thomas I Contra gentes, cap. 68 : « Remanet causalitas in causa prima, quae Deus est, respectu motuum voluntatis, ut sic Deus, seipsum cognoscendo, hujusmodi cognoscere possit. » In I Periherm., lect. 13 : « Falsum est igitur quod omne quod est verum fuerit determinate dicere esse futurum..; nam hoc modo est aliquid verum, quo habet esse... Aliquid est in sua causa pure in potentia, quae non magis sit determinata ad unum quam ad aliud : unde relinquitur*

quod nullo modo potest de aliquo eorum determinate dici quod sit futurum, neque quod sit vel non sit. » Quapropter confitetur molinianus author operis Bannez et Molina[1]*, « nullam e propositis speculationibus facere satis quaesitam. »*

[1] *Pag. 113.*

99 3° But that the mind of St. Thomas appear most clearly, let there be read the questions on the knowledge and truth of God in I Contra gentes, chapter 49, and from chapter 64 to 71, especially 68, and in Ia p., q. 14, especially art. 5 and from art. 8 to 14. From these it will be evident that the whole doctrine of Thomists is contained in these terms: « The knowledge of God is cause of things, will conjoined. »

3° Ut autem mens S. Thomae clarissime appareat, legantur quaestiones de Dei scientia et veritate in I Contra gentes, cap. 49, et a cap. 64 ad 71, maxime 68, et in 1a p., q. 14, praecipue art. 5 et ab art. 8 ad 14. Ex his evidens erit quod tota thomistarum doctrina his continetur terminis : « Dei scientia est causa rerum, voluntate adjuncta. »

100 For it follows of necessity from the Thomistic principle: « Whatever is moved, is moved by another; » whence it becomes consequent that of whatsoever action the futurity is found prior and more principally in the divine will, which is the most efficacious principle of all motion. — When however St. Thomas assigns the reason of divine cognition of futures in their presence in the eternity of God, it appears to one considering that he speaks of knowledge of vision and of absolute futures, and that that admirable presence of things presupposes the determination of the divine will. Whence by what reason these places, e.g., Ia p., q. 14, a. 13, are objected to Thomists, I by no means see.

Sequitur enim de necessitate e thomistico principio : « Omne quod movetur, ab alio movetur; » ex quo fit consequens quod cujuscumque actionis futuritio prius ac principalius inveniatur in divina voluntate, quae est principium efficacissimum omnis motionis. — Quando autem S. Thomas assignat rationem divinae cognitionis futurorum in eorum praesentialitate in aeternitate Dei, apparet rem consideranti eum loqui de scientia visionis absolutisque futuris, illamque mirandam rerum praesentialitatem praesupponere determinationem divini velle. Unde qua ratione loca haec, v. g., 1a p., q. 14, a. 13, thomistis objiciantur, minime video.

101 **II. — On gratuitous predestination.**

II. — De gratuita praedestinatione.

102 1° Concerning gratuitous election to glory Congruists and Augustinians agree with Thomists against pure Molinians. Whence whatever Molinists reproach to Thomists, disciples of Augustine can respond that it is vanity, and by what consent even appears that middle knowledge profits nothing in solving this question, since the Congruist approves that knowledge.

1° Super gratuita ad gloriam electione thomistis consentiunt Congruistae et Augustiniani adversus puros Molinianos. Unde quidquid thomistis exprobrant Molinistae, Augustini discipuli respondere possunt eam esse vanitatem, et quo etiam consensu apparet quod scientia media nihil prodest in hac solvenda quaestione, cum eam scientiam Congruista approbent.

103 2° In this matter indeed Molinians separate the cause of adults from the cause of infants. For it cannot rationally be affirmed that infants who die without baptism in whatever case were on that account reproved because divine science foresaw that God would have them to be wicked in later years, if they were preserved to active life (which certainly Semi-Pelagians posited, as is had in epist. Prosperi to Augustine, and the bishop of Hippo reproved); nor on account of this that God foreknew their demerits, since they who led the briefest life without use of reason could merit nothing at all in

reality. It is necessary therefore to say that infants are reproved without their own demerits foreseen. Different therefore is the cause of infants and another the cause of adults. Whence it appears most manifestly that Molinians differ from Augustine toto coelo, who from infants took most ample and valid argument to the cause of adults [2]. Say therefore Molinians, « God wills the salvation of all infants through baptism, under condition, namely if the free wills of men and the natural physical order do not stand in the way. » Whence it appears that the condition of the antecedent will of the salvation of infants depends totally on the free will of God. For the order of the universe, whether of natural or of free causes, is constituted by free decree of God. What therefore Molinians argue against Thomists, namely « that it is ridiculous for God to will the salvation of anyone under a condition which depends on God himself, » they must themselves first solve in the cause of infants, and show it to be frivolous; it is necessary. The Molinians therefore are themselves compelled to demonstrate that the Thomistic exposition of the antecedent will involves no contradiction.

[2] Confer the books de Praedestin. sanct., and de Dono perseverant., which Augustine wrote about to migrate to heaven against Semi-Pelagians.

2° In hac quidem re, causam adultorum ab infantium causa separant Moliniani. Non enim potest rationabiliter affirmari infantes qui sine baptismo quocumque casu moriuntur, propter hoc reprobatos fuisse, quod Deus illos in annis posterioribus, si ad activam servarentur vitam, futuros esse malos, scientia divina praeviderit (quod utique Semi-Pelagiani posuerunt, ut habetur in epist. Prosperi ad Augustinum, reprobavitque Hipponensis); neque propter hoc quod Deus demerita eorum praesciverit, cum nihil omnino revera demereri potuerint, qui sine rationis usu brevissimam duxerint vitam. Necesse est igitur dicere reprobari infantes absque propriis demeritis praevisis. Alia est ergo infantium causa et alia causa adultorum. Ex quo manifestissime patet Molinianos toto coelo ab Augustino differre, qui ex infantibus amplissimum ac validissimum sumebat argumentum ad adultorum causam[2]. Dicunt igitur Moliniani, « Deum velle omnium infantium salutem per baptismum, sub conditione, si nempe liberae hominum voluntates et naturalis ordo physicus non obsistant. » Unde apparet quod conditio voluntatis antecedentis salutis infantium totaliter pendet a libera Dei voluntate. Ordo enim universi, sive naturalium, sive liberarum causarum, libero Dei decreto constituitur. Quod igitur Moliniani in thomis tas argumentantur, videlicet « ridiculum esse velle Deum salutem alicujus sub conditione quae ab ipso Deo pendeat, » ipsi prius in causa infantium solvant, atque frivolum esse ostendant necesse est. Thomisticam ergo voluntatis antecedentis expositionem non implicare ipsi Moliniani demonstrare coguntur.

[2] *Cfr. libros de Praedestin. sanct., et de Dono perseverant., quos proxime in coelum migraturus scripsit Augustinus adversus Semi-Pelagianos.*

104 3° But neither in the cause of adults can Molinians rationally differ from the disciples of Augustine and Thomas, unless they wish to contradict themselves. For, since Congruists posit that the antecedent will is to be so expounded as to be understood that God wills the salvation of all, if they consent to grace and persevere in it, and at the same time hold that God reproves some negatively without foreseen demerits, Molinians press them that they assert contradictories; for they fight among themselves, God willing to save someone if he consent, and by the same sign of reason, that is before prevision of dissent or demerit, infallibly reprobating the same. This, in my sense, is excellently said by Molinians. But I think they must suffer the same. For that foreknowledge of merits or demerits, upon which, according to Molinists, follows either election to glory or positive reprobation, by no means precedes that inscrutable judgment or decree of God whereby the reprobate are absolutely, infallibly and most efficaciously separated from the elect. For God by middle knowledge, which is necessary and therefore prior by reason to every decree, knows only those merits or demerits which are conditionately future, that is which would be absolutely, if men were

created in these or those circumstances. But men are not elected or reproved on account of merits thus conditionately only future, as is manifest; but are truly elected or reproved on account of merits or demerits absolutely future. Moreover merits conditionately future do not become absolutely future except through position of condition, namely through constitution of man in those circumstances in which God foresaw him about to consent to grace and to persevere. But in these circumstances man is not constituted from eternity except through absolute, infallible, most efficacious and most free decree of God.

> *3° Sed nec in adultorum causa rationabiliter differre possunt Moliniani ab Augustini Thomaeque discipulis, nisi sibi contradicere velint. Etenim, cum Congruistae ponant voluntatem antecedentem sic explicandam esse, ut intelligatur Deum velle omnium salutem, si gratia consenserint in eaque perseveraverint, simulque teneant Deum quosdam negative reprobare absque praevisis demeritis, urgent eos Moliniani quod contradictoria asserant; pugnant enim inter se, velle Deum aliquem salvare, si consentiat, eodemque rationis signo, hoc est ante dissensus vel demeriti praevisionem, eundem infallibiliter reprobare. Hoc, meo sensu, optime dicitur a Molinianis. Verum puto eos eadem pati oportere. Nam ea meritorum demeritorumve praescientia, ad quam, secundum Molinistas, sequitur vel ad gloriam electio, vel positiva reprobatio, minime antecedit inscrutabile illud Dei judicium seu decretum, quo reprobi ab electis absolute, infallibiliter et efficacissime separantur. Etenim Deus scientia media, quae necessaria est proindeque ratione prior omni decreto, solummodo cognoscit ea merita vel demerita quae sunt conditionate futura, hoc est quae absolute essent, si homines in his vel in illis crearentur circumstantiis. Non autem propter hujusmodi merita conditionate tantum futura eliguntur vel reprobantur homines, ut manifestum est; sed eliguntur revera aut reprobantur propter merita vel demerita absolute futura. Porro merita conditionate futura non evadunt absolute futura, nisi per positionem conditionis, nempe per constitutionem hominis in his circumstantiis in quibus praescit Deus eum gratiae consensurum ac perseveraturum. In his autem circumstantiis non constituitur homo ab aeterno, nisi per absolutum, infallibile, efficacissimum et liberrimum Dei decretum.*

105 Therefore foreknowledge of merits on account of which anyone is glorified follows upon the most free and most gratuitous decree whereby God disposes him from eternity to persevere. Similarly of foreknowledge of demerits. Moreover by decrees of this kind is made infallibly and absolutely the discrimination of those to be elected and of those to be reproved. Thus therefore reason orders things in God, so as to be understood 1° middle knowledge of conditionate futures, 2° separation made by free will of reprobates from elect, 3° vision of merits and demerits absolutely future.

> *Igitur praescientia meritorum propter quae glorificatur aliquis, sequitur ad liberrimum et gratuitissimum decretum quo Deus eum perseverare ab aeterno disponit. Similiter de praescientia demeritorum. Porro hujusmodi decretis infallibiliter et absolute fit discretio eligendorum ac reprobandorum. Sic igitur ratio rerum in Deo ordinat, ut intelligatur 1° scientia media conditionate futurorum, 2° separatio libera voluntate facta reproborum ab electis, 3° visio absolute futurorum meritorum ac demeritorum.*

106 Indeed Molinians contend that the reprobate are separated from the elect by middle knowledge, not by divine will. For they posit thus: 1° an absolute and totally gratuitous decree, whereby God predestines all to grace; 2° prevision of consent and perseverance of some, but of others dissent and impious death; 3° finally election of the former to glory, but reprobation of the others. But no one does not see that, before it be understood that God predestines to grace, that is absolutely constitutes men in certain circumstances (which is a free act in God), there is pre-intelliged to know by middle knowledge (which is necessary cognition) what will happen concerning each one: whence by this free and gratuitous decree God knowingly and infallibly constituted these about to persevere and to be saved, those on the contrary about to dissent and to be damned. Not therefore divine foreknowledge,

but gratuitous and absolute will makes the separation of those to be reproved and of those to be elected. Although it be true that according to Molinists the efficacy of grace arises solely from divine foreknowledge.

> *Equidem contendunt Moliniani reprobos ab electis scientia media, non divina voluntate separari. Ponunt enim sic : 1° decretum absolutum et totaliter gratuitum, quo Deus ad gratiam praedestinat omnes, 2° praevisionem consensus et perseverantiae aliquorum, caeterorum vero dissensus et impiae mortis, 3° demum priorum electionem ad gloriam, aliorum autem reprobationem. At nemo non videt quod, antequam intelligatur Deus praedestinare ad gratiam, id est absolute constituere homines in quibusdam circumstantiis (quod est actus liber in Deo), praeintelligitur cognoscere scientia media (quae est cognitio necessaria), quid de unoquoque sit eventurum : unde decreto hoc libero ac gratuito Deus scienter et infallibiliter hos constituit perseveraturos et salvandos, illos contra dissensuros et damnandos. Non igitur Dei praescientia, sed gratuita et absoluta voluntas separationem facit reprobandorum et eligendorum. Etsi verum sit quod secundum Molinistas omnes sola Dei praescientia faciat gratiae efficaciam.*

107 This posited, thus I argue. It is contradictory that in the same sign of reason, namely before foreknowledge of merits or demerits absolutely future, God be at once understood to will to save someone, and to reprobate him, which is not to save him. But thus it must be understood, according to Molinists; for they say God wills the salvation of someone if he consent, and they posit God to will the same absolutely not saved, before prevision of dissent. Therefore.

> *Quo posito, sic argumentor. Contradictorium est quod in eodem rationis signo, scilicet ante meritorum vel demeritorum absolute futurorum praeescientiam, Deus simul intelligatur velle aliquem salvare, eumdemque reprobare, quod est non salvare. Atqui sic oportet intelligere, secundum Molinistas; dicunt enim Deum velle salutem alicujus, si consentiat iste, ponuntque Deum velle eundem absolute non salvare, ante dissensus praevisionem. Ergo.*

108 Moreover, since prevision of merits or demerits absolutely future, upon which follows election or reprobation, depends upon the free will of God, as was shown, for it follows upon some free and gratuitous decree of God, it seems that also in the cause of adults the antecedent will is with a condition depending on the free will of God. Let therefore Molinians first solve what they object to Thomists.

> *Praeterea, cum praevisio meritorum vel demeritorum absolute futurorum, ad quam sequitur electio vel reprobatio, dependeat a libera Dei voluntate, ut ostensum est, sequitur enim praevisio haec ad aliquod liberum et gratuitum Dei decretum, videtur quod et in adultorum causa voluntas antecedens sit cum conditione quae pendet a libera voluntate Dei. Solvant ergo Moliniani prius quod objiciunt thomistis.*

109 Excellently therefore says the Molinian author of the work Bannez et Molina [1] : « Do not ask why God chose rather this order of circumstances than that, nor why he predestined Peter by this absolute efficacious decree, but reprobated Judas; I have nothing indeed except that apostolic saying: O altitudo! »

1 Pag. 153.

> *Optime igitur molinianus author operis Bannez et Molina[1] : « Ne quaeras cur Deus hunc potius quam illum circumstantiarum ordinem elegerit, neque cur hoc absoluto efficacique decreto Petrum praedestinaverit, Judam vero reprobaverit; nihil sane habeo, nisi apostolicum illud : O altitudo! »*
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> *1 Pag. 153.*

110 4° By what reason therefore Molinists are unwilling that God elect to glory prior and without foreseen merits, I do not even suspect. But one says: « He who most orderly wills an end to another formally as a reward for merits, does not will him this end as a reward for merits independently of his acquiring them — I concede; as a reward for merits infallibly to be given by himself — I deny. It is moreover manifest that God gives merits most freely. Therefore he can will absolutely to reward without foreknowledge of merits, but cannot will to reward without willing at the same time to give merits.

4° Qua ergo ratione nolint Moliniani Deum prius et absque praevisis meritis ad gloriam eligere, nequidem suspicor. At vero unus : « Qui ordinatissime vult finem alteri formaliter ut praemium pro meritis, non vult ei hunc finem ut praemium pro meritis independenter ab ipso acquirendis, conc.; pro meritis ab ipsomet infallibiliter dandis, nego. Manifestum est autem quod Deus liberrime dat merita. Ergo potest velle absolute praemiare absque praescientia meritorum, non autem potest velle praemiare, quin simul velit dare merita.

111 Those who teach gratuitous predestination to glory lean upon this principle: The will of means presupposes the will of end. — Roundly answers the Molinian author of the aforesaid work [2], that this principle is not verified in divine wisdom and truth. That he may show this, he invokes the question placed Iª p., q. 19, a. 5, namely: « Whether it belongs to the divine will to assign some cause? » to which the Angelic answers negatively, because « as God by one act understands all things in his essence, so by one act he wills all things in his goodness. » But questions this Molinian confounds. For here is treated of the cause of the divine will on the part of act of willing; but our cause concerns the cause of the divine will on the part of things willed. This distinction our Doctor places Ia p., q. 23, a. 5, ad 3° : « It was said above, q. 19, a. 5, that no cause is to be assigned of the divine will on the part of the act of willing; but a reason can be assigned on the part of things willed, namely inasmuch as God wills something to be on account of something else. No one therefore ever existed of mind so insane as to say that merits are the cause of predestination on the part of the act of predestinating; but this is brought under question, whether on the part of effect predestination have some cause. » By no mode therefore do these favor the Molinian. Meanwhile mark that, even if it were doubtful whether God, determinately willing the salvation of some, assigned glory to them according to the account of merits, or rather defined merits according to glory prepared, outside controversy nevertheless would remain, in the doctrine of St. Thomas, that God elected some before others, before prevision of any merits whatsoever, to salvation (which imports in its own account both merits and glory). For he asks ibid., a. 4 : « Whether the predestined are elected by God? » But he answers: « Nothing ordered to an end is directed thereto unless the will of the end pre-exist. Whence predestination of some to eternal salvation presupposes, by way of reason, that God wills their salvation: to which election pertains..., inasmuch as he wills this good to some before others, while he reprobates certain ones, as was said. » Therefore, according to St. Thomas, in predestination there occurs prior, by reason, the will of glorifying some before others. Thomas however follows Augustine, Augustine truly Paul.

2 Pag. 328 et alibi.

Qui docent gratuitam praedestinationem ad gloriam, innituntur hoc principio: Voluntas mediorum praesupponit voluntatem finis. — Rotunde respondet Molinianus author operis supradicti[2], principium hoc non verificari in divina sapientia et veritate. Quod ut ostendat, invocat quaestionem positam 1ª p., q. 19, a. 5, scilicet : « Utrum voluntatis divinae sit assignare aliquam causam? » ad quam Angelicus negative respondet, propterea quod « Deus sicut uno actu

omnia in essentia sua intelligit, ita uno actu vult omnia in sua bonitate. » At quaestiones confundit Molinianus iste. Agitur enim hic de causa divinae voluntatis ex parte actus volendi; nostra autem causa est de divinae voluntatis causa ex parte volitorum. Hanc distinctionem ponit Doctor noster 1a p., q. 23, a. 5, ad 3° : « Dictum est supra, q. 19, a. 5, quod non est assignare causam divinae voluntatis ex parte actus volendi; sed potest assignari ratio ex parte volitorum, in quantum scilicet Deus vult esse aliquid propter aliud. Nullus ergo fuit ita insanae mentis, qui diceret merita esse causam praedestinationis ex parte actus praedestinantis; sed hoc sub quaestione vertitur, utrum ex parte effectus praedestinatio habeat aliquam causam. » Nullo modo igitur haec Moliniano suffragantur. Interea adverte quod, etiamsi dubium esset utrum Deus, determinate volens aliquorum salutem, gloriam eis assignaverit secundum rationem meritorum, an potius merita definiverit secundum gloriam praeparatam, extra controversiam tamen remaneret, in doctrina D. Thomae, quod ad salutem (quae in sui ratione et merita et gloriam importat) Deus aliquos prae aliis, ante quorumcumque meritorum praevisionem, elegerit. Quaerit enim ibid., a. 4 : « Utrum praedestinati eligantur a Deo? » Respondet autem : « Non praecipitur aliquid ordinandum in finem, nisi praeexistente voluntate finis. Unde praedestinatio aliquorum in salutem aeternam praesupponit secundum rationem, quod Deus illorum velit salutem : ad quod pertinet electio..., in quantum hoc bonum aliquibus prae aliis vult, eum quosdam reprobat, ut dictum est. » Ergo, secundum D. Thomam, in praedestinatione prius occurrit, secundum rationem, voluntas aliquos prae aliis glorificandi. Thomas autem Augustinum sequitur, Augustinus vero Paulum.

[2] *Pag. 328 et alibi.*

112 **IV. — On physical premotion.**

IV. — De physica praemotione.

113 In this matter indeed arise special difficulties concerning Thomistic doctrine, and those most grave, namely concerning the accord of human liberty and divine motion, concerning motion to the act of sin, and concerning sufficient grace.

In hac quidem materia exsurgunt peculiares circa thomisticam doctrinam difficultates, eaeque gravissimae, videlicet de concordia libertatis humanae et divinae motionis, de motione ad actum peccati, deque gratia sufficienti.

114 Molinists are wont to set these implications first before the eyes, and by that method to agitate minds against Thomism, lest the clarity and ineluctable force of the principles of Thomistic doctrine be able to be perceived. But this method is adverse to reason. For it is natural to the human mind, when it proceeds from sensible things to intelligible ones, and composing and dividing and reasoning further, but not intuitively contemplating, to arrive at high truths, to be variously impeded and to suffer many doubts in the cognition of intelligibles, especially of higher ones. Whence principles are easier and more certain, as simple, consequently appear evidently; but conclusions are much less ready and often uncertain, as composed, for whose demonstration many principles concur, whose concord in the same point to discern is sometimes laborious, but once truly impossible. To whom are not obscure those problems concerning the liberty and immutability of God, concerning the presence of futures in eternity, concerning the union of body and soul, concerning the mode of human cognition, concerning matter, nature, quantity, etc.? Who nevertheless among Catholic philosophers denies the principles because of the difficulties of conclusions? for that from non-Catholics many on account of these go off into this or that species of skepticism is most certain. Natural therefore is the process of human reason toward acquiring science, that, principles posited and weighed, it ascend gradually to higher and more difficult things, obscurities reasonably contemned, contradictions alone certainly rejected.

Solent Molinistae has implicationes in primis ante oculos ponere, eaque methodo in thomismum commovere animos, ne principiorum thomisticae doctrinae claritas et vis ineluctabilis percipi valeant. Haec vero methodus rationi adversatur. Nam humanae menti naturale est, cum a sensibilibus ad intelligibilia procedat, atque componendo et dividendo et longius ratiocinando, non autem intuitive contemplando, ad altas perveniat veritates, varie impediri ac multas dubietates pati in intelligibilium, maxime superiorum, cognitione. Unde principia faciliora sunt atque certa, ut simplicia, proinde evidenter apparent; conclusiones vero multo minus expedita sunt ac saepe incertae, utpote compositae, ad quarum ostensionem multa concurrunt principia, quorum concordiam in eodem puncto perspicere, quandoque operosum est, non semel vero impossibile. Cui obscura non sunt illa problemata de Dei libertate et immutabilitate, de futurorum in aeternitate praesentia, de unione corporis et animae, de modo humanae cognitionis, de materia natura, quantitate, etc.? Quis tamen e catholicis philosophis propter conclusionum difficultates principia neget? nam ex acatholicis propter haec multos in hanc illamve scepticismi speciem abire, certissimum est. Naturalis igitur processus humanae rationis ad acquirendam scientiam est, ut, positis pensatisque principiis, gradatim ad altiora difficilioraque ascendat, obscuritatibus rationabiliter contemptis, solis utique rejectis contradictionibus.

115 Moreover this has the Molinian author of the work Bannez et Molina [2] : « Thomistic doctrine indeed arises from a principle as august as solid, namely from the notion and right of first cause. In wonderful order also, and rigid logic, it deduces all consequences: all things seem concatenated, simple, clear, easy. These are commonly signs of the true. Nevertheless in the end that doctrine offends both the sanctity and goodness of God, and human liberty and imputability of merits and demerits, yea seems contrary to decree of Catholic faith. Nor does it exit from those difficulties except through long, obscure, most intricate explications. » Reasonably therefore proceeds Thomism.

[2] Pag. 109.

Porro haec habet Molinianus author operis Bannez et Molina[2] : « Doctrina quidem thomistica e principio tam augusto quam solido oritur, videlicet e notione jureque causae primae. Miro etiam ordine, rigidaque logica, consequentias deducit omnes : omnia concatenata, simplicia, clara, facilia videntur. Haec autem sunt communiter veri signa. Verumtamen in termino doctrina ista tum sanctitatem bonitatemque divinam, tum humanam libertatem meritorumque et demeritorumque imputabilitatem offendit, imo fidei catholicae decreto contrariari videtur. Neque e difficultatibus istis nisi per longas, obs curas, intricatissimasque explicationes exit. » Rationabiliter ergo procedit thomismus.

[2] *Pag. 109.*

116 But in elucidating Thomistic difficulties, first must be weighed the principles, and these rightly followed, absurdities alone avoided. Which principles we enunciate briefly: It is impossible that the same be at once and not be. — It is impossible that the same be at once in potency and in act. — Each thing acts according as it is in act, but is acted upon according as it is in potency. — Nothing passes from potency into act except through some being in act. — Whatever is moved, is moved by another. — Nothing operates except in virtue of God the first mover and first cause. — Thence necessity, account, nature of divine motion; thence physical premotion.

In difficultatibus autem thomisticis enucleandis, prius pensanda sunt principia, eaque recte sequenda, solis absurditatibus devitatis. Quae principia breviter enuntiamus: Impossibile est idem esse simul et non esse. — Impossibile est idem esse simul in potentia et in actu. — Unumquodque agit secundum quod est in actu, agitur autem secundum quod est in potentia. — Nihil transit de potentia in actum, nisi per aliquod ens in actu. — Omne quod movetur, ab alio movetur. — Nihil operatur, nisi in virtute Dei primi moventis et primae causae. — Hinc necessitas, ratio, natura divinae motionis; hinc praemotio physica.

117 Thence it becomes evident that premotion cannot offend human liberty. For natural to the divine will is motion, which makes nothing else in it than to bring the faculty of will into act, certainly according to the mode of this faculty, namely actively and freely. This is the demonstration of fact, so to speak, of the accord of divine motion with human liberty.

> *Exinde fit evidens quod praemotio illa offendere non potest humanam libertatem. Nam naturalis est motio divina voluntati, quae non aliud in ea facit quam adducere voluntatis potentiam in actum, utique secundum modum hujus potentiae, scilicet active atque libere. Haec est demonstratio facti, ut ita dicam, concordiae divinae motionis cum humana libertate.*

118 Obscure remains the mode, I confess; yea easily I concede that it can neither be comprehended nor explained. What thence? Must the fact be denied, and principles so « august as solid » be renounced? By no means, but the weakness of human reason is to be acknowledged. Who wonders that cannot be comprehended, and that most obscure and inexplicable to us is the mode whereby infinite being creates finite being, and conserves it in being, and operates in it? Is it not consonant with reason that thus stand the things? Truly I who cannot comprehend so many finite beings, if I comprehended this influx of the infinite, I should transcend the limits of created intellect. Let us hold therefore the fact, wherein nothing absurd is detected, and demonstrated by rigid logic. All arguments indeed are radically solved by the distinction of composed and divided sense.

> *Obscurus remanet modus, fateor; imo comprehendi nec explicari eum posse facile concedo. Quid inde? negandum esse factum, et principia tam « augusta quam solida » abneganda? Minime, sed humanae rationis imbecillitas agnoscenda. Quis miretur comprehendi non posse, et obscurissimum ac inexplicabilem nobis esse modum quo infinitum ens finitum creat, et conservat in esse, et operatur in eo? Nonne rationi consentaneum est, ut ita res se habeat? Ego vero qui tot entia finita comprehendere non possum, influentiam hanc infiniti si comprehenderem, limites intellectus creati transcenderem. Teneamus ergo factum, in quo nihil absurdi deprehenditur, rigidaque logica demonstratur. Omnia siquidem argumenta distinctione sensus compositi et sensus divisi radicitus solvuntur.*

119 If diligently the other difficulties be considered, from this obscurity wherewith it is cast over liberty alone do they emerge. For the mode whereby efficacious grace is contained and had in sufficient becomes not obscure to us, nor the mode whereby the will moved by God sins, except because there appears not to us how in the potency of the will moved it be that it determine itself to true or apparent good. That it however be in the potency of the will, yea that this be made in it through divine motion so that it be, is most certain to one considering the reason of premotion. Divine premotion therefore is not offensive to divine goodness.

> *Si diligenter caeterae difficultates considerentur, ex hac obscuritate qua libertati offunditur unice emergunt. Non enim fit nobis obscurus modus quo gratia efficax in suf ficienti continetur et habetur, vel modus quo voluntas a Deo mota peccat, nisi quia non apparet nobis quomodo in voluntatis motae potentia sit ut determinet se ad verum aut ad apparens bonum. Quod tamen in voluntatis potentia esse, imo hoc in ea per divinam motionem fieri ut sit, certissimum est rationem praemotionis consideranti. Non igitur divina praemotio est offensiva divinae bonitatis.*

120 Indeed most obscure is this matter; yet nothing absurd in it will every keen-sighted one perceive. Nor wonder, as I judge, that Thomists have proposed varied or even sometimes opposite things in solving those difficulties. Delights me surely more the sobriety of St. Thomas. The fact indeed he affirms and proves; but the mode in these, as also in some other questions, he leaves, content with solution of arguments to the contrary.

> *Multum quidem obscura haec materia est, nihil vero absurdi in ea oculatissimus quisque perspiciet. Nec mirum, ut arbitror, quod thomistae varia vel etiam opposita quandoque in istis difficultatibus solvendis proposuerint. Delectat utique me magis D. Thomae sobrietas. Factum quidem affirmat atque probat; modum autem in his, sicut et in aliis nonnullis quaestionibus relinquit, argumentorum in oppositum solutione contentus.*

121 These are the things whereby it has seemed opportune to repel the aggressions of recent Molinists. We have brought forward nothing new indeed, but that nothing new was opposed to Thomistic doctrine all, as we judge, will easily concede.

> *Haec sunt quibus recentiorum Molinistarum aggressiones repellere opportunum visum est. Nihil sane novum protulimus, sed nihil etiam novum thomisticae doctrinae oppositum fuisse omnes, ut arbitramur, facile concedent.*